

**Case No. 13-55700****IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

---

Nyoka Lee and Talala Mshuja

*Plaintiffs-Appellants,*

v.

Corinthian Colleges, Inc., et al.

*Defendants-Appellees.*

---

*On Appeal from the United States District Court  
for the Central District of California, Case No. 07-1984  
The Honorable Philip S. Gutierrez, Presiding*

---

**Defendant-Appellees' Joint Supplemental Excerpts of Record  
Volume 1 of 9 (SER 0001 – SER 0300)**

---

**MUNGER, TOLLES & OLSON LLP**

Blanca F. Young

Achyut J. Phadke

Hannah E. Shearer

560 Mission Street, 27th Floor

San Francisco, California 94105

Telephone: (415) 512-4000

Facsimile: (415) 512-4077

*Attorneys for Defendants-Appellees*

*Corinthian Colleges, Inc., David*

*Moore, and Jack D. Massimino*

**MORRISON & FOERSTER LLP**

Robert B. Hubbell

Ryan W. Borho

707 Wilshire Boulevard, Suite 6000

Los Angeles, CA 90017

Telephone: 213.892.5200

Facsimile: 213.892.5454

**MORRISON & FOERSTER LLP**

Ryan G. Hassanein

425 Market Street

San Francisco, CA 94105

Telephone: 415.268.7000

Facsimile: 415.268.7522

*Attorneys for Defendant-Appellee*

*Ernst & Young LLP*

**DEFENDANT-APPELLEES' JOINT SUPPLEMENTAL EXCERPTS OF RECORD****TABLE OF CONTENTS**

<b>Docket No.</b>	<b>Description of Document</b>	<b>Page(s)</b>
<b>Volume 1</b>		
265.1	Declaration of Scott D. Levy in Opposition to Motion for Sanctions	SER 0001
204	Notice of Document Discrepancies	SER 0003
200.1	Supplemental Declaration of Blanca. F. Young in support of Defendants Corinthian Colleges, Inc., David Moore and Jack D. Massimino's Motion to Dismiss	SER 0005
192	Corrected Declaration of Achyut J. Phadke in Support of Defendants Corinthian Colleges, Inc., David Moore and Jack D. Massimino's Motion to Dismiss	SER 0014
<b>Volume 2</b>		
192	Corrected Declaration of Achyut J. Phadke in Support of Defendants Corinthian Colleges, Inc., David Moore and Jack D. Massimino's Motion to Dismiss ( <i>Continued</i> )	SER 0301
190	Relators' Opposition to Defendants' Corinthian Colleges, Inc.'s Et Al, and Ernst & Young LLP's Motions to Dismiss	SER 0385
157	[Corrected] Defendant Ernst & Young LLP's Request for Judicial Notice in Support of its Motion to Dismiss Under Fed. R. Civ. P.12(B)(1) for Lack of Subject Matter Jurisdiction	SER 0548
157.3	Exhibits 2-8 to Corrected Request for Judicial Notice in Support of Ernst & Young LLP's Motion to Dismiss Under Fed. R. Civ. P.12(B)(1) for Lack of Subject Matter Jurisdiction	SER 0552
<b>Volume 3</b>		
157.3	Exhibits 2-8 to Corrected Request for Judicial Notice in Support of Ernst & Young LLP's Motion to Dismiss Under Fed. R. Civ. P.12(B)(1) for Lack of Subject Matter Jurisdiction ( <i>Continued</i> )	SER 0601
155	Declaration of Ryan G. Hassanein in Support Of Defendant Ernst & Young LLP's Motion to Dismiss Under Fed. R. Civ. P. 12(B)(1) for Lack of Subject Matter Jurisdiction	SER 0830
155.1	Exhibits to the Declaration of Ryan G. Hassanein in Support Of Defendant Ernst & Young LLP's Motion to Dismiss Under Fed. R. Civ. P. 12(B)(1) for Lack of Subject Matter Jurisdiction	SER 833
<b>Volume 4</b>		
155.1	Exhibits to the Declaration of Ryan G. Hassanein in Support Of Defendant Ernst & Young LLP's Motion to Dismiss Under Fed. R. Civ. P. 12(B)(1) for Lack of Subject Matter Jurisdiction ( <i>Continued</i> )	SER 901

<b>Docket No.</b>	<b>Description of Document</b>	<b>Page(s)</b>
154	Defendant Ernst & Young LLP's Notice of Motion and Motion to Dismiss Under Fed. R. Civ. P. 12(B)(1) for Lack of Subject Matter Jurisdiction; Memorandum of Points and Authorities in Support Thereof	SER 0968
152	Defendants Corinthian Colleges, Inc., David Moore, and Jack D. Massimino's Request for Judicial Notice in Support of Rule 12(B)(1) Motion to Dismiss	SER 0998
<b>Volume 5</b>		
152	Defendants Corinthian Colleges, Inc., David Moore, and Jack D. Massimino's Request for Judicial Notice in Support of Rule 12(B)(1) Motion to Dismiss ( <i>Continued</i> )	SER 1201
<b>Volume 6</b>		
152	Defendants Corinthian Colleges, Inc., David Moore, and Jack D. Massimino's Request for Judicial Notice in Support of Rule 12(B)(1) Motion to Dismiss ( <i>Continued</i> )	SER 1501
<b>Volume 7</b>		
152	Defendants Corinthian Colleges, Inc., David Moore, and Jack D. Massimino's Request for Judicial Notice in Support of Rule 12(B)(1) Motion to Dismiss ( <i>Continued</i> )	SER 1801
150	Defendants Corinthian Colleges, Inc., David Moore, and Jack D. Massimino's Notice of Motion and Rule 12(B)(1) Motion to Dismiss; Memorandum of Points and Authorities	SER 2021
<b>Volume 8</b>		
150	Defendants Corinthian Colleges, Inc., David Moore, and Jack D. Massimino's Notice of Motion and Rule 12(B)(1) Motion to Dismiss; Memorandum of Points and Authorities ( <i>Continued</i> )	SER 2101
66	Order Granting Defendants' Motion to Dismiss	SER 2112
37	Defendant Ernst & Young LLP's Request for Judicial Notice in Support of its Motion to Dismiss	SER 2120
37.5	Exhibit D to Defendant Ernst & Young LLP's Request for Judicial Notice in Support of its Motion to Dismiss	SER 2124
21	Notice of Election by the United States of America to Decline Intervention	SER 2127
200	Reply in Support of Corinthian Colleges, Inc., David Moore, and Jack D. Massimino's Rule 12(B)(1) Motion to Dismiss for Lack of Jurisdiction	SER 2133
<b>Volume 9 (UNDER SEAL)</b>		
168 (UNDER SEAL)	Exhibits G-K to Declaration of Achyut J. Phadke in Support of Defendants Corinthian Colleges Inc., David Moore, and Jack D. Massimino's Motion to Dismiss	SER 2163
207 (UNDER SEAL)	Application to File Under Seal School Documents Filed with Relators' Opposition	SER 2197

1 SCOTT D. LEVY  
2 Scott D. Levy & Associates PC  
3 Tex. Bar No. 24000598  
4 1844 Wheeler Street  
5 Houston, Texas 77004  
6 (713) 528-5409 Tel.  
7 (713) 528-0117 Fax  
8 levy.scott@mac.com  
9

10  
11 Attorneys for Relators  
12 NYOKA JUNE LEE AND TALALA MSHUJA  
13

14 U.S. DISTRICT COURT  
15

16 CENTRAL DISTRICT OF CALIFORNIA — WESTERN DIVISION  
17

18  
19 UNITED STATES OF AMERICA,  
20 EX REL. NYOKA LEE and  
21 TALALA MSHUJA,  
22

23  
24 Plaintiff,  
25

26 CORINTHIAN COLLEGES INC.,  
27 et al.,  
28

29 Defendants.  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40

CASE NO. CV 07-01984 PSG (MANx)

**DECLARATION OF SCOTT D. LEVY  
IN SUPPORT OF RELATORS'  
OPPOSITION TO DEFENDANT  
ERNST & YOUNG LLP'S  
MOTION FOR SANCTIONS**

[Filed Concurrently with Opposition]

Place: Courtroom 880

Judge: Hon. Philip S. Gutierrez

Date: June 10, 2013

Time: 1:30 p.m.

1 I, Scott D. Levy, hereby declare:

2 1. I am an attorney serving as counsel of record for Relators  
3 Talala Mshuja and Nyoka Lee. I am duly admitted to practice in the State of  
4 Texas and before this Court in the above-captioned matter. I have personal  
5 knowledge of the matters set forth herein and if called upon to do so, I could and  
6 would testify competently thereto under oath.

7 2. I make this declaration in support of Relators' Opposition  
8 to Corinthian Colleges, Inc., David Moore, and Jack Massimino's motion for  
9 sanctions.

10 3. Attached hereto as Exhibit 1 is a true and correct copy of  
11 the 789 pages of documents produced by Relators and filed as an exhibit to  
12 the Deposition of Nyoka Lee. [EXHIBIT 1 IS LODGED UNDER SEAL]

13 4. Attached hereto as Exhibit 2 is a true and correct copy of  
14 the Deposition of Nyoka Lee.

15 5. Attached hereto as Exhibit 3 is a true and correct copy of  
16 the Deposition of Talala Mshuja.

17 I declare under of perjury under the laws of the United States  
18 and the State of Texas that the foregoing is true and correct.

19 Executed on May 10, 2013, at Houston, Texas.

20

21 /s/ Scott D. Levy

22 Scott D. Levy

23

24

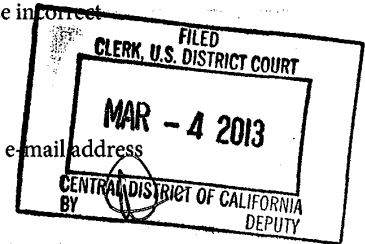
**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF DOCUMENT DISCREPANCIES**

To: ☒ U.S. District Judge / ☐ U.S. Magistrate Judge Philip S. Gutierrez  
 From: W. Hernandez, Deputy Clerk Date Received: 02-29-13  
 Case No.: CV 07-1984-PSG (MANx): Case Title: U.S.A., EX REL., ET AL -VS- CORINTHIAN COLLEGES, E  
 Document Entitled: LODGING UNDER SEAL EXHIBIT 1 TO THE AFFIDAVIT OF NYOKA JUNE LEE

Upon the submission of the attached document(s), it was noted that the following discrepancies exist:

- |   |   |
|---|---|
| <input type="checkbox"/> Local Rule 5-4.1             | Documents must be filed electronically                                      |
| <input type="checkbox"/> Local Rule 6-1               | Written notice of motion lacking or timeliness of notice incorrect          |
| <input type="checkbox"/> Local Rule 7-19.1            | Notice to other parties of ex parte application lacking                     |
| <input type="checkbox"/> Local Rule 7.1-1             | No Certification of Interested Parties and/or no copies                     |
| <input type="checkbox"/> Local Rule 11-3.1            | Document not legible  |
| <input type="checkbox"/> Local Rule 11-3.8            | Lacking name, address, phone, facsimile numbers, and e-mail address         |
| <input checked="" type="checkbox"/> Local Rule 11-4.1 | No copy provided for judge  |
| <input type="checkbox"/> Local Rule 11-6              | Memorandum/brief exceeds 25 pages   |
| <input type="checkbox"/> Local Rule 11-8              | Memorandum/brief exceeding 10 pages shall contain table of contents         |
| <input type="checkbox"/> Local Rule 15-1              | Proposed amended pleading not under separate cover                          |
| <input type="checkbox"/> Local Rule 16-7              | Pretrial conference order not signed by all counsel                         |
| <input type="checkbox"/> Local Rule 19-1              | Complaint/Petition includes more than 10 Does or fictitiously named parties |
| <input type="checkbox"/> Local Rule 56-1              | Statement of uncontroverted facts and/or proposed judgment lacking          |
| <input type="checkbox"/> Local Rule 56-2              | Statement of genuine disputes of material fact lacking                      |
| <input type="checkbox"/> Local Rule 83-2.11           | No letters to the judge   |
| <input type="checkbox"/> Fed. R. Civ. P. 5            | No proof of service attached to document(s)                                 |



- ☒ Other: No application and proposed order requesting exhibit 1 to be filed under seal submitted;  
Notice of Manual filing must be e-filed; application, proposed order and exhibit must be filed at  
at the window.

**Please refer to the Court's website at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov) for Local Rules, General Orders, and applicable forms.**

**ORDER OF THE JUDGE/MAGISTRATE JUDGE**

IT IS HEREBY ORDERED:

- ☐ The document is to be filed and processed. The filing date is ORDERED to be the date the document was stamped "received but not filed" with the Clerk. Counsel\* is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83-7.

\_\_\_\_\_  
Date

\_\_\_\_\_  
U.S. District Judge / ~~U.S. Magistrate Judge~~

- ☒ The document is **NOT** to be filed, but instead **REJECTED**, and is ORDERED returned to counsel.\* Counsel\* shall immediately notify, in writing, all parties previously served with the attached documents that said documents have **not** been filed with the Court.

3/4/13  
Date

\_\_\_\_\_  
U.S. District Judge / U.S. Magistrate Judge

\* The term "counsel" as used herein also includes any pro se party. See Local Rule 1-3.

COPY 1 -ORIGINAL-OFFICE

COPY 2 -JUDGE

COPY 3 -SIGNED & RETURNED TO FILER

COPY 4 -FILER RECEIPT

SCOTT D. LEVY  
Scott D. Levy & Associates PC  
Tex. Bar No. 24000598  
1844 Wheeler Street  
Houston, Texas 77004  
(713) 528-5409 Tel.  
(713) 528-0117 Fax  
[levy.scott@mac.com](mailto:levy.scott@mac.com)

THOMAS D MAURIELLO  
Mauriello Law Firm APC  
1181 Puerta Del Sol Suite 120  
San Clemente, CA 92673  
949-542-3555  
Fax: 949-606-9690  
Email: [tomm@maurlaw.com](mailto:tomm@maurlaw.com)

Attorney for Relators  
NYOKA JUNE LEE AND TALALA MSHUJA

U.S. DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA — WESTERN DIVISION

UNITED STATES OF AMERICA,  
EX REL. NYOKA LEE and  
TALALA MSHUJA,

Plaintiff,

v.

CORINTHIAN COLLEGES INC.,  
DAVID MOORE, JACK  
MASSIMINO, AND ERNST &  
YOUNG LLP,

Defendants.

CASE NO. CV 07-01984 PSG (MANx)

**LODGING UNDER SEAL EXHIBIT 1  
TO THE AFFIDAVIT OF NYOKA  
JUNE LEE**

Place: Courtroom 880  
Judge: Hon. Philip S. Gutierrez  
Date: March 11, 2013  
Time: 1:30 p.m.

**EXHIBIT 1 LODGED UNDER SEAL**

1 BLANCA F. YOUNG (State Bar No. 217533)  
2 Blanca.Young@mto.com  
3 ACHYUT J. PHADKE (State Bar No. 261567)  
4 Achyut.Phadke@mto.com  
5 MUNGER, TOLLES & OLSON LLP  
6 560 Mission Street  
7 Twenty-Seventh Floor  
8 San Francisco, California 94105-2907  
9 Telephone: (415) 512-4000  
10 Facsimile: (415) 512-4077

11 Attorneys for Defendants  
12 Corinthian Colleges Inc., David Moore,  
13 and Jack D. Massimino

14 UNITED STATES DISTRICT COURT  
15  
16 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION  
17

18 United States ex rel. Nyoka Lee, et  
19 al.,

20 Plaintiff,

21 vs.

22 Corinthian Colleges Inc., et al.,

23 Defendants.

Case No. 07-cv-01984 PSG (MANx)

**SUPPLEMENTAL DECLARATION  
OF BLANCA F. YOUNG IN SUPPORT  
OF DEFENDANTS CORINTHIAN  
COLLEGES, INC., DAVID MOORE  
AND JACK D. MASSIMINO'S  
MOTION TO DISMISS**

[Reply in Support of Motion to Dismiss  
filed concurrently herewith]

Judge: Honorable Philip S. Gutierrez  
Courtroom: 880  
Date: March 11, 2013  
Time: 1:30 p.m.



1 I, Blanca F. Young, hereby declare:

2 1. I am a partner in the law firm of Munger, Tolles & Olson, LLP,  
3 (“MTO”) counsel of record for Defendants Corinthian Colleges Inc., David Moore  
4 and Jack D. Massimino. I am an attorney duly admitted to practice in the State of  
5 California and before this Court in the above-captioned matter. I have personal  
6 knowledge of the matters set forth herein and if called upon to do so, I could and  
7 would testify competently thereto under oath.

8 2. Attached hereto as Exhibit A is a true and correct copy of an  
9 excerpt of the transcript of the December 17, 2012 deposition of Nyoka Lee (“Lee  
10 Deposition”).

11 3. I attended and participated in the Lee Deposition. At the Lee  
12 Deposition, counsel for Relators in this action, Scott D. Levy, examined Ms. Lee  
13 from 5:17 p.m. to 6:47 p.m. Relators’ counsel’s examination takes up 57 pages in  
14 the certified reporter’s transcript for the Lee Deposition.

15 I declare under penalty of perjury under the laws of the United States  
16 and the State of California that the foregoing is true and correct.

17 Executed on February 15, 2013, at San Francisco, California.

18  
19 /s/ Blanca F. Young  
20 Blanca F. Young

21  
22  
23  
24  
25  
26  
27  
28

# Exhibit A

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
Ex Rel. NYOKA LEE and	)	
TALALA MSHUJA,	)	
	)	
	)	
Plaintiff,	)	No. CV-07-01984
	)	PSG (MANx)
vs.	)	
	)	
CORINTHIAN COLLEGES, INC.; ERNST &	)	
YOUNG, LLP; DAVID MOORE; and	)	
JACK D. MASSIMINO,	)	
	)	
Defendants.	)	

VOLUME I

VIDEOTAPED DEPOSITION OF: NYOKA J. LEE

MONDAY, DECEMBER 17, 2012, 9:07 A.M.

SANTA ANA, CALIFORNIA

REPORTED BY:

KIMBERLY REICHERT, CSR

CERTIFICATE NO. 10986

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
Ex Rel. NYOKA LEE and )  
TALALA MSHUJA, )  
)  
)  
Plaintiff, ) No. CV-07-01984  
) PSG (MANx)  
vs. )  
)  
CORINTHIAN COLLEGES, INC.; ERNST & )  
YOUNG, LLP; DAVID MOORE; and )  
JACK D. MASSIMINO, )  
)  
Defendants. )

Videotaped deposition of NYOKA J. LEE,  
Volume I, taken on behalf of the Defendants, before  
Kimberly Reichert, Certified Shorthand Reporter No.  
10986 for the State of California, with principal  
office in the County of Orange, commencing at 9:07  
a.m. on Monday, December 17, 2012, located at  
Corinthian Colleges, Inc., 6 Hutton Centre Drive,  
Santa Ana, California.

1 director. You have to turn that lead into an  
2 interview and that interview into a new enrollment.  
3 And there were numbers for all the people that got  
4 that, all the admissions reps. There were numbers  
5 on those sheets.

6 Q Okay.

7 A Okay.

8 Q Okay. Did the --

9 MR. LEVY: Objection; form.

10 BY MS. YOUNG:

11 Q Did the flash sheets say anything about  
12 raises or promotions?

13 A No, they didn't say that on there. They  
14 just showed you the numbers of everybody's  
15 enrollments and leads to conversions and interviews.

16 MS. YOUNG: Let's go off the record for a quick  
17 second.

18 MR. LEVY: Can we take a restroom break?

19 MS. YOUNG: Okay. Sure.

20 THE VIDEOGRAPHER: The video deposition is now  
21 going off record at 10:07 a.m.

22 (A recess was taken from 10:07 a.m.  
23 to 10:22 a.m.)

24 THE VIDEOGRAPHER: The video deposition is now  
25 returning to record at 10:22 a.m.

16 -oOo-

17 I certify, under penalty of perjury under

18 the laws of the United States of America, that the

19 foregoing is true and correct, with the exceptions,

20 if any, noted above.

21

22 Executed at \_\_\_\_\_ on \_\_\_\_\_, 2013.

23 (Place) (Date)

24

(Signature of Deponent)

1 STATE OF CALIFORNIA )

2 ) SS.

3 COUNTY OF ORANGE )

4

5 I, KIMBERLY C. REICHERT, Certified Shorthand  
6 Reporter, Certificate No. 10986, for the State of  
7 California, hereby certify that:

8 I am the deposition officer that  
9 stenographically recorded the testimony in the foregoing  
10 deposition;

11 Prior to being examined, the deponent was by  
12 me first duly sworn;

13 The foregoing transcript is a true record of  
14 the testimony given.

15 I further certify that I am neither counsel  
16 for, related to, nor employed by any of the parties or  
17 attorneys in the action in which this proceeding was  
18 taken, and further certify that I am not financially or  
19 otherwise interested in the outcome of the action;

20 Pursuant to information given to me at the  
21 time said testimony was taken, the appearance page  
22 includes counsel for all parties of record;

23 Before completion of the deposition, review of  
24 the transcript { X } was { } was not requested.

25 If review and signature was requested, the

1 noticing letter was send to the witness or to the  
2 attorney for the witness for examination, for review,  
3 corrections and signature;

4 That any changes made by the deponent,  
5 according to the FRCP, and provided to the reporter  
6 during the period allowed, are appended hereto.

7

8 Dated: January 4, 2013.

9

10

11

---

KIMBERLY C. REICHERT  
CSR NO. 10986

12

13

14

15

16

17

18

19

20

21

22

23

24

25



1 BLANCA F. YOUNG (State Bar No. 217533)  
2 Blanca.Young@mto.com  
3 ACHYUT J. PHADKE (State Bar No. 261567)  
4 Achyut.Phadke@mto.com  
5 MUNGER, TOLLES & OLSON LLP  
6 560 Mission Street  
7 Twenty-Seventh Floor  
8 San Francisco, California 94105-2907  
9 Telephone: (415) 512-4000  
10 Facsimile: (415) 512-4077

11 Attorneys for Defendants  
12 Corinthian Colleges Inc., David Moore,  
13 and Jack D. Massimino

14 UNITED STATES DISTRICT COURT  
15  
16 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION  
17

18 United States ex rel. Nyoka Lee, et  
19 al.,

20 Plaintiff,

21 vs.

22 Corinthian Colleges Inc., et al.,

23 Defendants.

Case No. 07-cv-01984 PSG (MANx)

**CORRECTED DECLARATION OF  
ACHYUT J. PHADKE IN SUPPORT  
OF DEFENDANTS CORINTHIAN  
COLLEGES INC., DAVID MOORE,  
AND JACK D. MASSIMINO'S  
MOTION TO DISMISS**

[Filed in Support of Notice of Motion and  
Motion to Dismiss with attached  
Memorandum of Points and Authorities]

Judge: Honorable Philip S. Gutierrez  
Courtroom: 880  
Date: March 11, 2013  
Time: 1:30 p.m.

**EXHIBITS G-K FILED UNDER SEAL**

CORRECTED PHADKE DECL.  
CASE NO. 07-CV-01984 PSG (MANX)

SER 0014

1 I, Achyut J. Phadke, hereby declare:

2 1. I am an attorney in the law firm of Munger, Tolles & Olson,  
3 LLP, counsel of record for Defendants Corinthian Colleges Inc. (the “School”) and  
4 David Moore and Jack D. Massimino (the “Individual Defendants”). I am an  
5 attorney duly admitted to practice in the State of California and before this Court in  
6 the above-captioned matter. I have personal knowledge of the matters set forth  
7 herein and if called upon to do so, I could and would testify competently thereto  
8 under oath.

9 2. I make this declaration in support of the School and Individual  
10 Defendants’ Rule 12(b)(1) Motion to Dismiss.

11 3. Attached hereto as Exhibit A is a true and correct copy of  
12 excerpts of the transcript of the December 17, 2012 deposition of Relator Nyoka Lee  
13 (“Lee Deposition”).

14 4. Attached hereto as Exhibit B is a true and correct copy of  
15 excerpts of the transcript of the December 18, 2012 deposition of Relator Talala  
16 Mshuja (“Mshuja Deposition”).

17 5. Attached hereto as Exhibit C is a true and correct copy of a  
18 document entitled “Privilege Log,” electronically mailed by Relators to the School  
19 and Individual Defendants on December 10, 2012.

20 6. Attached hereto as Exhibit D is a true and correct copy of a  
21 document entitled “Plaintiff’s Initial Disclosures,” electronically mailed by Relators  
22 to the School and Individual Defendants on September 10, 2012.

23 7. Attached hereto as Exhibit E is a true and correct copy of  
24 “Relator Nyoka Lee’s Objections and Responses to Defendants Corinthian Colleges,  
25 Inc., David Moore, and Jack D. Massimino’s Interrogatories to Relator Nyoka Lee –  
26 Set One, Dated November 9, 2012 (7 Items),” electronically mailed by Relators to  
27 the School and Individual Defendants on December 10, 2012.

28 8. Attached hereto as Exhibit F is a true and correct copy of

1 “Relator Talala Mshuja’s Objections and Responses to Defendants Corinthian  
2 Colleges, Inc., David Moore and Jack D. Massimino’s Interrogatories to Relator  
3 Talala Mshuja – Set One, Dated November 9, 2012 (7 Items),” electronically mailed  
4 by Relators to the School and Individual Defendants on December 10, 2012.

5 9. Attached hereto as Exhibit G is a true and correct copy of  
6 Exhibit 5 to the Lee Deposition.

7 10. Attached hereto as Exhibit H is a true and correct copy of  
8 Exhibit 6 to the Lee Deposition.

9 11. Attached hereto as Exhibit I is a true and correct copy of  
10 Exhibit 7 to the Lee Deposition.

11 12. Attached hereto as Exhibit J is a true and correct copy of  
12 Exhibit 8 to the Lee Deposition.

13 13. Attached hereto as Exhibit K is a true and correct copy of  
14 Exhibit 13 to the Lee Deposition.

15 I declare under penalty of perjury under the laws of the United States  
16 and the State of California that the foregoing is true and correct.

17 Executed on February 12, 2013, at San Francisco, California.

18  
19 /s/ Achyut J. Phadke  
20 Achyut J. Phadke  
21  
22  
23  
24  
25  
26  
27  
28

Case 2:07-cv-01984-PSG-MAN Document 192-1 Filed 02/12/13 Page 1 of 211 Page ID  
#:5388

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
Ex Rel. NYOKA LEE and	)	
TALALA MSHUJA,	)	
	)	
	)	
Plaintiff,	)	No. CV-07-01984
	)	PSG (MANx)
vs.	)	
	)	
CORINTHIAN COLLEGES, INC.; ERNST &	)	
YOUNG, LLP; DAVID MOORE; and	)	
JACK D. MASSIMINO,	)	
	)	
Defendants.	)	
<hr/>		

VOLUME I

VIDEOTAPED DEPOSITION OF: NYOKA J. LEE

MONDAY, DECEMBER 17, 2012, 9:07 A.M.

SANTA ANA, CALIFORNIA

REPORTED BY:

KIMBERLY REICHERT, CSR  
CERTIFICATE NO. 10986

0003

SER 0018

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
Ex Rel. NYOKA LEE and )  
TALALA MSHUJA, )  
 )  
Plaintiff, ) No. CV-07-01984  
 ) PSG (MANx)  
vs. )  
 )  
CORINTHIAN COLLEGES, INC.; ERNST & )  
YOUNG, LLP; DAVID MOORE; and )  
JACK D. MASSIMINO, )  
 )  
Defendants. )  
\_\_\_\_\_ )

Videotaped deposition of NYOKA J. LEE,  
Volume I, taken on behalf of the Defendants, before  
Kimberly Reichert, Certified Shorthand Reporter No.  
10986 for the State of California, with principal  
office in the County of Orange, commencing at 9:07  
a.m. on Monday, December 17, 2012, located at  
Corinthian Colleges, Inc., 6 Hutton Centre Drive,  
Santa Ana, California.

1 schools and stuff like that, you know, like  
2 alternative schools. So I guess that would be for  
3 profit.

4 Q What do you mean by "alternative schools"?

5 A Oh, they have schools that are like  
6 schools for students who don't do well in academic  
7 settings. And they set up schools, alternative  
8 schools for their training, hands-on training in  
9 different areas.

10 Q And were these high school students --

11 A Yes.

12 Q -- that attended the schools?

13 A Uh-huh.

14 Q Okay. Other than --

15 A Yes.

16 Q Other than this consulting work that you  
17 did with alternative schools from time to time prior  
18 to 1999, did you have any other work that you did in  
19 the education sector before 1999?

20 A Let's see. I can't remember anything.

21 Q So let's talk about your employment at  
22 Corinthian. You started there in 1999?

23 A Uh-huh.

24 Q Do you recall what month you started?

25 A Well, let's see. I think it was at the

1 beginning of that year.

2 Q Okay. And in what capacity were you  
3 employed in 1999 at Corinthian?

4 A I was employed as an independent test  
5 proctor.

6 Q What were your responsibilities in that  
7 position?

8 A To test students who were coming into the  
9 school to enroll and get an education.

10 Q Did you have any other interaction with  
11 the students other than proctoring the exams?

12 A No.

13 Q So you had no responsibility for  
14 recruiting them to the school?

15 A No.

16 Q Is that right?

17 A Not as a proctor, no.

18 Q Okay. And how were you paid as a test  
19 proctor?

20 A As an independent consultant.

21 Q So did you have an independent contract  
22 with the school?

23 A Yes, I did.

24 Q And what -- what was your pay based on?  
25 Was it based on an hourly rate or how were you paid?



1 A I was paid hourly.

2 Q So the only thing your compensation  
3 depended on as a test proctor was how many hours you  
4 worked; is that right?

5 A Yes.

6 Q It didn't depend on how many students  
7 passed the test; is that right?

8 A That's correct.

9 Q And it didn't depend on whether they  
10 enrolled in the school; is that correct?

11 A That's right. Correct.

12 Q Did you receive any bonuses during the  
13 time that you worked as a test proctor?

14 A No, I did not.

15 Q How long did you work as a test proctor  
16 for the school?

17 A Approximately nine months.

18 MS. YOUNG: I'm handing you what we'll mark as  
19 Exhibit 1.

20 (Defendants' Exhibit 1 was marked for  
21 identification by the deposition officer and is  
22 bound under separate cover.)

23 BY MS. YOUNG:

24 Q Ms. Lee, what I just handed you is a  
25 document titled "Independent Contractor Service

1 Agreement."

2 And if you turn to the third page, under  
3 the signature line for "Contractor," is that your  
4 signature there?

5 A This page (indicating)?

6 Q Correct.

7 A Yes, it is.

8 Q And did you sign this document on  
9 November 19th, 1999?

10 A Yes, I did.

11 Q And is this --

12 A I thought it was the beginning of that  
13 year. I see it's 11/99.

14 Q Is this when you commenced your employment  
15 with Corinthian, in November of 1999?

16 A I believe so, yes.

17 MR. LEVY: Can you give her a minute to look  
18 through it?

19 BY MS. YOUNG:

20 Q Take a minute to look through the  
21 document, Ms. Lee.

22 A Okay. Yes. Okay.

23 Q Okay. And this is the agreement that set  
24 out the terms of your employment as an independent  
25 test proctor with the school?

1 A Yes.

2 Q At what location did you work as a test  
3 proctor for the school?

4 A San Francisco.

5 Q Did you work as a test proctor for the  
6 school in any other location?

7 A For this school or --

8 Q For Corinthian.

9 A No, I did not.

10 Q Okay. And then you think you were in this  
11 position for about nine months?

12 A Yes.

13 Q What did you do next?

14 A Well, I got recruited into the admissions  
15 department.

16 Q Okay. Who recruited you?

17 A Cary Kaplan, who was the director of  
18 admissions at that time.

19 Q And is this again at the San Francisco  
20 campus?

21 A Yes.

22 Q Did you join the admissions department at  
23 the San Francisco campus?

24 A Yes.

25 Q When did you do that?

1 A What month or --

2 Q If you can recall.

3 A I think it was August.

4 Q In August of what year?

5 A So this was '99. So that would have been  
6 2000. From 11 to -- to August. I think that's nine  
7 months, isn't it?

8 Q Uh-huh.

9 A Yes.

10 MS. YOUNG: Well, I tested your memory. I have  
11 a document here we can look at that nails it down,  
12 but let's see. We'll mark this as Exhibit 2.

13 (Defendants' Exhibit 2 was marked for  
14 identification by the deposition officer and is  
15 bound under separate cover.)

16 THE WITNESS: Thank you.

17 BY MS. YOUNG:

18 Q So take a moment to look at this document.  
19 This is a letter dated August 8th of 2000 titled  
20 "Confirmation of employment." And at the bottom it  
21 says "Accepted by" and there's a signature.

22 Is that your signature at the bottom?

23 A Yes, it is.

24 Q And it says here that -- in the first  
25 paragraph you can see it congratulates you on your

1 new position at Bryman College.

2 And it says, "Your starting date" -- at  
3 the end of that paragraph it says, "Your starting  
4 date will be August 14th, 2000."

5 Does that sound about right?

6 A Uh-huh, it does. Thank you.

7 Q Okay.

8 A Or should I say "yes."

9 Q I take it you read this letter before you  
10 signed it?

11 A Yes.

12 Q Is that your practice, you read through  
13 documents before you sign them?

14 A Yes, it is.

15 Q And you understood that signing the letter  
16 would indicate your agreement with what was in the  
17 letter; correct?

18 A Yes.

19 Did I miss something? Hopefully --

20 Q No, I'm just --

21 A Oh, okay.

22 Q I'm asking for your thoughts in signing  
23 the letter.

24 A Yes, I signed it. Mr. Plant gave it to  
25 me.

1 Q Okay. And it says here in the last  
2 paragraph, "Your signature below will acknowledge  
3 that there have been no representations by this  
4 company or its agents or any other agreements  
5 regarding your employment that are not reflected in  
6 this agreement."

7 Do you see that?

8 A Yes, I do.

9 Q You read that before you signed it; is  
10 that right?

11 A Yes.

12 Q And that was an accurate statement as of  
13 the date that you signed that letter --

14 A Yes.

15 Q -- correct?

16 Okay. And what was your title when you  
17 were hired into the admissions department?

18 A Campus admissions rep.

19 Q What were your responsibilities in that  
20 position?

21 A My responsibilities were to recruit  
22 students, motivate them to come to school -- come to  
23 the school, interview them and get them tested if  
24 they wanted to go to school and to encourage them to  
25 meet with financial aid, see if they qualified, and

1 also give them a tour of the school, and enroll  
2 them. Make sure they started on time, they stayed  
3 in school until they graduated.

4 Q So it wasn't just to recruit them and get  
5 them into -- in the door; right, you had continuing  
6 responsibilities to these students?

7 A Yes, I did.

8 Q Okay. Was career guidance one of those  
9 responsibilities?

10 A Sorry?

11 Q Was providing them with career guidance  
12 one of those responsibilities?

13 A Well, they didn't say I was supposed to do  
14 that, but I did it. You know, I provided them with  
15 career guidance and encouraged them to continue  
16 their education.

17 Q Okay. Did you have any responsibilities  
18 as a campus admissions representative for  
19 supervising other admissions representatives?

20 A Well, that wasn't in my contract, but I  
21 did it because I was good at my job and Cary Kaplan  
22 trusted me and he wanted me to do it.

23 Q As a campus admissions representative,  
24 were you ever in a position to fill out a formal  
25 performance evaluation of other admissions

1 representatives?

2 A No, I was not.

3 Q So supervising other admissions  
4 representatives may have been something you did, but  
5 it wasn't officially part of your job description?

6 A No. I wasn't really supervising them. I  
7 was just being an example for them.

8 Q Okay. And how long did you work as an  
9 admissions representative on the San Francisco  
10 campus?

11 A For about six years.

12 Q Let's see if we can take a look at some  
13 documents to maybe clear up the work history a  
14 little bit. I realize a lot of this is in the past.

15 A Uh-huh.

16 Q And I'm not trying to trick you. I have  
17 some documents that can maybe help us get a clear  
18 chronology here.

19 A Okay. Great.

20 MS. YOUNG: I'm sorry. I keep bumping you.

21 THE VIDEOGRAPHER: That's okay.

22 MS. YOUNG: I'm handing you what we'll mark as  
23 Exhibit 3.

24 (Defendants' Exhibit 3 was marked for  
25 identification by the deposition officer and is



1 bound under separate cover.)

2 BY MS. YOUNG:

3 Q And I'd ask you to hold on to it. We  
4 might come back to it again a little later. Oops.  
5 Why don't you give that to the court reporter to  
6 mark.

7 A All right.

8 Q And take a moment again to look at this  
9 document. This is a letter dated June 4th, 2004.  
10 It states, "I am pleased to confirm Terry Harty's  
11 offer of employment and your acceptance of a  
12 position at Bryman College, Hayward campus."

13 A Uh-huh.

14 Q And then if you look on the second page,  
15 there's a signature line for "Accepted by." Is that  
16 your signature in the line there?

17 A It is.

18 Q And the date on which this was signed was  
19 June 10th, 2004?

20 A That's what this says, yes.

21 Q Okay. And do you recognize this document?

22 A Yes, I do.

23 Q And what is it?

24 A Well, it's giving me an outline of my  
25 salary, of course, and the different dates that I

1 was supposed to be trained for specific job  
2 descriptions that I was supposed to perform.

3 Q Okay. This document states -- where it  
4 says "Start Date" in the margin on the first page,  
5 you commenced employment in this position on  
6 June 1st, 2004. And the title in that same section  
7 says "Director of Admissions."

8 Did you become a director of admissions at  
9 Hayward -- at the Hayward campus on June 1st, 2004?

10 A Yes, I did. I think that was the date,  
11 but there was some confusion with that specific  
12 transfer. It didn't take place properly.

13 Q Okay.

14 A So I'm not sure if that's the correct  
15 date.

16 Q Did you start sometime in the month of  
17 June in 2004 as the director of admissions at  
18 Hayward?

19 A It couldn't have -- it could be that date  
20 or it could have been -- I'm sure if it said June, I  
21 started in June.

22 Q Okay. In June 2004?

23 A Yes.

24 Q And were you working as an admissions  
25 representative in the San Francisco campus up until

1 that time, from 2000 up until that time?

2 A Yes. Yes, I was. Or, yes, I did I should  
3 say.

4 Q So I don't think that's quite six years.  
5 I think it's more like three years and -- and nine  
6 months at San Francisco before you became a director  
7 of admissions at Hayward.

8 A Oh, it was more than that.

9 Q Okay. Well, I -- I thought we just talked  
10 about you starting to work as an admissions  
11 representative in San Francisco --

12 A I was -- I thought you were speaking of  
13 when I started employment because I did start in  
14 1999.

15 Q Okay.

16 A And then I went into admissions. So...

17 Q All I'm trying to do is understand how  
18 long you were an admissions representative in San  
19 Francisco before you became the director of  
20 admissions at Hayward.

21 A Uh-huh. Yeah. Well, that's from 2000 --  
22 let's see. 2000 to 2004, maybe. Because I was a  
23 student at University of Phoenix and I was an  
24 admissions rep the whole time I was going to school  
25 from when I started with my B.S. to when I finished

1 my courses, and my doctoral courses.

2 Q Okay.

3 A I was an admissions rep during that time.  
4 I was going to school and working at Bryman at the  
5 same time.

6 Q Okay.

7 A So that's how I was gauging how long I  
8 worked there. And then I went to Hayward.

9 Q Okay.

10 A Okay. For a short period of time.

11 Q Just focusing on your stint as an  
12 admissions representative in San Francisco, that was  
13 from August of 2000 until about the end of May 2004;  
14 is that right?

15 A Uh-huh. Yes, something like that.  
16 Uh-huh.

17 Q All right. And again, just focusing on  
18 when you first started in San Francisco as a campus  
19 admissions representative, how were you compensated?

20 A Uh-huh. As a campus rep?

21 Q Uh-huh.

22 A Well, I was salaried. I was a salaried  
23 employee.

24 Q Okay. And what was your starting salary?

25 A I think it was on this page right here

1 (indicating). It said 38-.

2 Q Are you referring to what we've marked as  
3 Exhibit 2?

4 A This one, yeah, something like that.  
5 Yeah, right here (indicating).

6 Q Okay. And the first paragraph says -- in  
7 the last sentence of the first paragraph it says,  
8 "As we discussed, your beginning salary is \$38,400."

9 A Uh-huh, yes.

10 Q Is that consistent with what you recall?

11 A Yes, it is.

12 Q And was there a compensation plan that  
13 governed your employment as a campus admissions  
14 representative?

15 A Compensation plan would be like how much I  
16 was receiving or --

17 Q Well, was there any plan that told you  
18 what you would have to do to be eligible for a  
19 promotion or for a raise?

20 A In writing? There might have -- not at  
21 that time. There might have been something that  
22 came up later.

23 Q Uh-huh.

24 A Okay.

25 Q Yeah, I'm focusing just on when you were

1 hired. Did you ever --

2 A Well, this is what I received when I went  
3 in there, was this letter here.

4 Q Okay. And did you --

5 A There was no compensation plan that came  
6 with this.

7 Q Okay.

8 A That I recall.

9 Q If you look at the second-to-last  
10 paragraph in Exhibit 2 that you were just looking  
11 at, the second-to-last sentence of that -- of that  
12 paragraph says, "You will not be eligible for merit  
13 increase consideration until October 1st, 2001" --

14 A Uh-huh.

15 Q -- "at which time you will be reviewed  
16 again.

17 "Admissions representatives will be  
18 reviewed for Meritorious Performance in accordance  
19 with the Meritorious Performance Compensation Plan,  
20 which will be given to you on your first day of  
21 employment."

22 Do you see that?

23 A Yes, I do.

24 Q And do you recall getting a meritorious  
25 performance compensation plan on your first day of

1 employment?

2 A No, I don't. I don't recall receiving  
3 that, but -- I recall receiving it later maybe, but  
4 not on this.

5 Q Okay.

6 A Because I was given so many papers. It  
7 could have been there, but I don't remember it.

8 MS. YOUNG: Okay. Let me show you a document  
9 that was produced to us by your attorney. We'll  
10 mark this as Exhibit 4.

11 (Defendants' Exhibit 4 was marked for  
12 identification by the deposition officer and is  
13 bound under separate cover.)

14 THE WITNESS: Thanks.

15 BY MS. YOUNG:

16 Q If you'd take a moment to review this.

17 MS. YOUNG: For the record, this document is  
18 titled "Corinthian Schools, Inc. Campus Based  
19 Admissions Representative Compensation Plan,  
20 Effective October 1st, 1998."

21 Q And on the second page of this document,  
22 again, there are some signature lines. Is that your  
23 signature at the bottom of the document?

24 A Yes, it is.

25 Q And this document says, "Received,

1 acknowledged and agreed to this 10th day of August,  
2 2000."

3 Do you see that?

4 A Yes, I do.

5 Q Did you receive this document on the 10th  
6 day of August 2000?

7 A As far as I know, it was -- I signed it  
8 the 10th.

9 Q And -- and this was produced to us by your  
10 attorney. So is this something that you maintained  
11 in your own file?

12 A Probably. Sometimes things were moving so  
13 fast, I might not have signed it on that date, but I  
14 used that date.

15 Q Okay. Do you see on page 2 there's a  
16 heading B, "Promotion Criteria"?

17 A Yes, I do.

18 Q And that makes reference to "the  
19 achievement of the performance criteria outlined in  
20 the enclosed promotional guidelines."

21 Do you see that at the end of that  
22 paragraph?

23 A I see that.

24 Q Did you also receive the promotional  
25 guidelines that this paragraph references?



1 A Probably. I'm sure I must have.

2 Q Do you know what they were sitting here  
3 today?

4 A I'm not sure. Not at this time. I don't  
5 remember what they were.

6 Q When you were hired as an admissions  
7 representative in 2000, were you given any other  
8 documents that explained how you would be  
9 compensated or when you would be eligible for a  
10 promotion or a -- or a raise other than what we've  
11 discussed?

12 A Not at that time. I have to say that.

13 Q Okay. And when you were hired as an  
14 admissions representative in 2000, did you discuss  
15 with anybody at the school how you would be  
16 compensated?

17 A Compensated for enrollments or --

18 Q For your -- for your work there.

19 A Well, I discussed that with the director  
20 I'm sure.

21 Q Okay. Do you recall the substance of that  
22 discussion?

23 A Let's see. Not at this time. I don't  
24 recall that.

25 Q Did you discuss with anyone at the school

1 what you would have to do -- and again, this is  
2 focusing on the time when you were hired in August  
3 of 2000.

4 Did you discuss with anyone at the school  
5 in August of 2000 what you would have to do to be  
6 eligible for a promotion or a raise?

7 A I'm sure I must have because I was told  
8 that I needed to enroll students.

9 Q Okay.

10 A And I was hired to enroll students and  
11 that's what I was supposed to do.

12 Q Who told you you needed to enroll  
13 students?

14 A The director. Everyone knew you get hired  
15 to enroll students. If you don't enroll students,  
16 you get fired. That was the general conversation in  
17 the admissions department.

18 Q Okay. I want to understand exactly what  
19 the conversation was about. So is your  
20 understanding that you needed to hire -- so -- so  
21 you understood that you would be fired if you didn't  
22 enroll students?

23 A Yeah, if you didn't --

24 MR. LEVY: Objection to form.

25 THE WITNESS: In other words -- I'm sorry.

1 MR. LEVY: Objection to form. It was just a  
2 little confusing.

3 THE WITNESS: Well, everybody knew if you  
4 didn't enroll students and meet your quotas, you  
5 were out of there.

6 BY MS. YOUNG:

7 Q Okay.

8 A That was the general consensus in the  
9 admissions department.

10 Q And what was --

11 A So I got busy.

12 Q What was the basis for that consensus?  
13 Why did you believe that?

14 A Because of what was happening around me  
15 and what I was doing.

16 Q Okay. Tell me what that was.

17 A I was recruiting students, getting them to  
18 come to school and going by my leads that the  
19 director gave me, leads -- he gave me specific  
20 leads. And I had to transform the leads into  
21 interviews and interviews into enrollments,  
22 conversion rates. And I was responsible for doing  
23 that.

24 That was my responsibility as an admission  
25 rep -- admissions rep. Leads to interviews,

1 interview -- interviews to enrollments, enrollments  
2 to starts.

3 Q Okay. So we started off by talking about  
4 whether you discussed with anyone what you were  
5 required to do in order to get a promotion or a  
6 raise.

7 Did you have a conversation with anyone  
8 when you were hired at the school --

9 A Uh-huh.

10 Q -- in 2000 about what you had to do to get  
11 a promotion or a raise?

12 A I don't recall having specific  
13 discussions. I was given paperwork to read and told  
14 by the director on many different occasions what I  
15 had to do, but I don't remember the exact  
16 conversations. But I know that it was understood.  
17 It was understood that you had to get enrollments  
18 and -- and keep your numbers up.

19 Q Okay. You said you were told by the  
20 director on many occasions about what you had to do.

21 Did you mean you were told by the director  
22 on many occasions about what you had to do in order  
23 to do your job or in order to get a promotion or a  
24 raise?

25 A Well, that's the same thing, isn't it? Do

1 my job and get a promotion.

2 Q Did the -- did your director specifically  
3 tell you what you had to do in order to get a  
4 promotion or a raise or is that something you were  
5 just implying from what she said or he said?

6 A No, I wasn't implying anything. The  
7 director was circling the admissions department all  
8 the time to make sure that we converted our leads  
9 into interviews.

10 Q Yeah, I understand that your job was to  
11 recruit students and that your director was trying  
12 to make sure you did that.

13 A Okay.

14 Q What I'm trying to understand is what  
15 specifically he -- it was a "he"; right?

16 A Uh-huh.

17 Q -- what specifically he said to you, to  
18 the extent he said anything --

19 A Uh-huh.

20 Q -- about how recruiting students would  
21 translate into getting a promotion or a raise.

22 MR. LEVY: Objection; form.

23 THE WITNESS: Okay. Let me see how I can word  
24 this. I knew that I had to enroll students to get a  
25 raise if I wanted one, but I don't know if he

1 specifically said that in our conversation, you  
2 know.

3 That's what you're getting at; right?

4 BY MS. YOUNG:

5 Q Yeah. I'm trying to understand how you --  
6 what made you know that you had to enroll students  
7 in order to get a raise?

8 A The admissions environment made me know  
9 that and the director of education, everything that  
10 was happening at school made me know that.

11 Q Did anyone specifically tell you, "You  
12 have to enroll a certain number of students to get a  
13 raise"?

14 A Yes, the director would tell me that and  
15 also the president, Mr. Plant, would tell me that,  
16 and other admissions reps would tell me that.

17 Q So the director told you you had to enroll  
18 students to get a raise?

19 A Uh-huh.

20 Q The director's name was?

21 A Cary Kaplan.

22 Q You say the president told you you would  
23 have to enroll students to get a raise?

24 A The president told me that.

25 Q And the president's name was?

1 A And Jim Martin told me that.

2 Q Back up. The president's name was?

3 A Mr. Plant. At that particular time when I  
4 was there it was Mr. Plant.

5 And Jim Martin would come and we would  
6 have admissions meetings and -- and they would go  
7 over the script with us and tell us what we had to  
8 do to increase our numbers.

9 Q Who is Jim Martin?

10 A Well, at that time he was vice president  
11 of marketing and sales.

12 Q You said other admissions representatives  
13 would say you had to enroll students to get a raise?

14 A Yeah, people that had been working there  
15 for a long time before I started.

16 Q Who were they?

17 A Who were those people?

18 Q Who told you -- who were the admissions  
19 representatives who told you, "You have to enroll  
20 students to get a raise"?

21 A Well, the people were -- that were working  
22 there at that time. I'm sure they're not there now.

23 Q Do you recall any of their names?

24 A Yes, I recall their names.

25 Would you like for me to give them to you?

1 Q I would.

2 A Estella Aranas, Jan Dixon, Steve Aranas  
3 (sic). Let's see. I can remember some other people  
4 that were in that department at that time. Katie  
5 Aspen, Daniel Vargas.

6 You need more?

7 Q I want the names of everybody you can  
8 remember who told you --

9 A Okay. Well, that's it.

10 Q Just a minute.

11 -- who told you you have to enroll  
12 students to get a raise.

13 A Well, they didn't say, "You have to enroll  
14 students to get a raise." They said, "You have to  
15 enroll students to keep your job." Now, if you kept  
16 your job, you could get a raise.

17 Q So just so I'm clear --

18 A Uh-huh.

19 Q -- these admissions representatives you  
20 just identified --

21 A Uh-huh.

22 Q -- none of them said to you, "You have to  
23 enroll students to get a raise"; is that correct?

24 A Well, they all said that. People talked  
25 in the admissions department. Everybody talked



1 about what you had to do to keep your job. And that  
2 was part of the conversation that everybody knew and  
3 everybody talked about and everybody was pressured  
4 about.

5 Q I just -- I just want to make sure that  
6 we're clear on --

7 A Uh-huh.

8 Q -- the difference between getting a raise  
9 and being fired; okay?

10 A Okay.

11 Q So was the communication to you, "You need  
12 to enroll students to get your job"?

13 A To keep your job.

14 Q To keep your job?

15 A Yeah.

16 Q Okay.

17 A Because if you didn't have your job, you  
18 couldn't get a raise, of course.

19 Q Okay. But did anyone say to you, "You  
20 need to enroll students in order to get a raise"  
21 without talking about whether you needed to keep it  
22 -- do it to keep your job?

23 A Well, the bottom line was if you enrolled  
24 X amount of students, you got a raise. That was the  
25 bottom line of that conversation.

1 Now, what don't you understand? Maybe I  
2 could make you -- clear it up.

3 Q Well, I'm trying -- I'm trying to  
4 understand where -- how you personally got to that  
5 bottom line.

6 Is that something that you --

7 A I got there from working in admissions and  
8 being in the daily routine of the job.

9 Q Okay. So you arrived at the bottom line  
10 based on what you personally had to do in the job;  
11 correct?

12 A That's right.

13 Q Which was to enroll students?

14 A Recruit them, enroll them, test them.

15 Q And your job -- okay.

16 A Let them get -- meet with financial aid  
17 and start to school. That was what I had to do.

18 Q And you also arrived at the bottom line  
19 because people talked about you would get fired if  
20 you didn't enroll students?

21 A Well, people were getting fired. I was --  
22 I saw what was happening. I saw exactly what was  
23 happening. In other words, I was able to put it all  
24 together in my head about what I needed to do for  
25 myself to stay employed. And I got that from other

1 admissions reps, admissions reps from other schools,  
2 you know, talking on the phone, observing people and  
3 listening to conversations.

4 Q Okay. But -- but the conversations you  
5 were listening to that caused you to conclude --

6 A Uh-huh.

7 Q -- that you needed to enroll students to  
8 get a raise were conversations about you could get  
9 fired if you don't enroll enough people?

10 A Yeah, and I saw people getting fired who  
11 weren't doing it.

12 Q Were there any other types of  
13 conversations that led you to believe that you had  
14 to enroll students in order to get a raise?

15 MR. LEVY: Objection; form.

16 THE WITNESS: Well, I don't remember any. That  
17 was enough. I didn't, you know -- I was in  
18 admissions and I was doing what I had to do for my  
19 spot in the cubby hole. And that's how I performed  
20 like that. I didn't really talk to other people,  
21 you know.

22 I heard conversations when I was working  
23 there. I just did my job and I enrolled students  
24 and recruited them. I mostly talked to my students  
25 and I saw what was happening in the department.

1 BY MS. YOUNG:

2 Q And again, what you saw was happening was  
3 people were getting fired if they didn't enroll  
4 enough students; right?

5 A Yes, ma'am.

6 Q Okay. And again, this is --

7 A And I got fired for not meeting my numbers  
8 when I went to Hayward. So -- and then I got hired  
9 again and then fired again for not meeting my  
10 numbers.

11 Q Okay.

12 A So if you didn't meet your numbers,  
13 basically, the bottom line is you get fired.  
14 They're not going to pay you to not enroll students.

15 Q Uh-huh.

16 A That was the general consensus in that  
17 department.

18 Q Okay.

19 A Okay.

20 Q And we'll talk about all of that later.  
21 I -- I just want to keep focusing on your -- your  
22 first round of employment in San Francisco from 2000  
23 to 2004; okay?

24 A Okay. Uh-huh.

25 Q So other than the documents that we've

1 Q Okay. And the 2000 date is the correct  
2 date; is that right?

3 A I think it is because that's this date  
4 here. This says 10th and that says the 14th, but  
5 like I said, things were misconstrued sometimes  
6 there at that campus. And sometimes I would get  
7 papers and I wouldn't even sign them until a month  
8 later maybe. I don't know. It wasn't necessarily  
9 always on the date I got it.

10 Q Okay. But to the best of your  
11 recollection, you started working as an admissions  
12 representative at the San Francisco campus in August  
13 of 2000?

14 A August -- because my hire date was 1999,  
15 November. So I was a proctor for nine months and I  
16 went into admissions that August.

17 Q Okay.

18 A So that would make it 2000.

19 Q Okay. Now, I think we looked earlier at a  
20 compensation plan --

21 A I don't know why that was '01. I'm not  
22 sure.

23 Q Okay.

24 A Okay.

25 Q I think we looked earlier at a

1 compensation plan that you signed when you first  
2 started as a campus admissions representative in San  
3 Francisco.

4 Do you recall that?

5 A Excuse me. One of these documents  
6 (indicating)?

7 Q I think it was what we marked as  
8 Exhibit 4.

9 A Okay. That's this -- that's this one.  
10 2000.

11 Q Okay.

12 A Uh-huh.

13 Q And we now have in front of us a  
14 compensation plan that you've signed in November of  
15 2001.

16 Do you --

17 A Which exhibit is that?

18 Q Exhibit 5.

19 A Okay. This one. Okay.

20 Q Why did you sign a new compensation plan?

21 MR. LEVY: When?

22 BY MS. YOUNG:

23 Q In 2001.

24 A I don't recall. I don't know why. It's  
25 signed right here. I don't know why this happened.

1 Q Okay. Before you signed this document,  
2 did you go over it with anyone else?

3 A I don't recall.

4 Q Did anyone tell you that the school  
5 doesn't actually follow this plan?

6 A Why would I be signing it and they give it  
7 to me if they don't follow it? I don't understand  
8 the question.

9 Q So no- -- nobody told you that "Here's the  
10 plan, but we don't actually follow this plan," did  
11 they?

12 A I don't remember anybody telling me that,  
13 but it probably happened because they were always  
14 saying something that might not happen sometimes,  
15 you know.

16 Q It probably happened, but you don't know  
17 if, in fact, it did happen, do you?

18 A Are you speaking of this document here or  
19 just things in general?

20 Q No, I'm speaking about my question to you.

21 A Okay.

22 Q Which was did anyone tell you, "Here's the  
23 plan, but we don't actually follow it"?

24 MR. LEVY: Objection to form.

25 THE WITNESS: Nobody told me that. I don't

1 recall anyone telling me that.

2 BY MS. YOUNG:

3 Q Let's look at the document within here  
4 that starts -- it's actually page 4 of the exhibit.  
5 The title of it is "Minimum Standards of  
6 Performance."

7 A The one you just gave me?

8 Q Correct. It's what we've marked as  
9 Exhibit 5.

10 A I don't see a page 4.

11 Q It's not numbered as page 4, but it is the  
12 fourth page in the document.

13 A Okay.

14 Q And the title on it is "Minimum Standards  
15 of Performance." That's it (indicating).

16 A Okay.

17 Q Okay. Are you with me?

18 A I'm with you.

19 Q Okay. What's your understanding of what  
20 this document is?

21 A Well, it looks like what I was supposed to  
22 do as an admissions rep.

23 Q Okay.

24 A Take all inquiry calls, return inquiry  
25 calls. That's what I was supposed to do. It takes



1 -- it looks like that to me, what I -- what my  
2 duties were.

3 Q Okay. And there's a list of 18 things  
4 here on this document.

5 A Uh-huh, yes, I see it.

6 Q Were you supposed to do all those 18  
7 things as an admissions representative?

8 A Probably, which was a lot.

9 Q Uh-huh. So let's just talk about a couple  
10 of them. The first one is "Take all inquiry calls  
11 from all potential students interested in knowing or  
12 receiving information about the programs, including  
13 entrance requirements, curricula and academic  
14 standards."

15 A Uh-huh.

16 Q Was that one of the requirements of your  
17 job?

18 A Yes.

19 Q Did you strive to do that?

20 A I strived to do everything that's on this  
21 list.

22 Q Okay. And were your calls monitored, your  
23 phone calls with prospective students, were they  
24 monitored by your director of admissions?

25 A Sometimes and they would tell us that it

1 was monitored by corporate.

2 Q Okay. And what was your understanding of  
3 the purpose of having those calls monitored?

4 A I guess they wanted to make sure we were  
5 doing our job. I don't know. I never discussed  
6 that with anyone.

7 Q Did you understand that your performance  
8 was being evaluated based on how you were  
9 communicating with the prospective students?

10 A Yes.

11 Q And that was one of the factors that your  
12 director of admissions was looking at?

13 A All the time.

14 Q When you were doing your job; right?

15 A Yes, uh-huh.

16 Q No. 2 says, "Return inquiry calls promptly  
17 to all potential students and give accurate  
18 information about the programs, including entrance  
19 requirements, curricula and academic standards."

20 A Yes.

21 Q And that was another responsibility in  
22 your job?

23 A Yes.

24 Q And you tried to do that; right?

25 A Yes.

1 Q And this meant, among other things, noting  
2 how -- giving accurate information to students?

3 A Giving as accurate as it was given to me.

4 Q Okay. And was that important to you, to  
5 make sure students got accurate information?

6 A It was very important to me because I was  
7 a student myself and I didn't want to misinform  
8 anyone.

9 Q Uh-huh, of course. And -- and did you  
10 understand that your director of admissions was  
11 monitoring you to see that you were giving accurate  
12 information to students?

13 A Yes, I sat right across from his office.  
14 He could hear me talking.

15 Q And you understood that he would be  
16 evaluating your performance in part based on whether  
17 you were giving accurate information to people; is  
18 that right?

19 A That was probably his job, to monitor me  
20 on that, yes.

21 Q And you understood that that was his job;  
22 right?

23 A Uh-huh. Yes, I did.

24 Q No. 3 is "Accurately classify all  
25 inquiries by the appropriate media source and

1 account for all inquiries."

2 Do you see that?

3 A Yes, I do.

4 Q And that -- that again was part of your  
5 responsibilities; correct?

6 A Yes.

7 Q Okay. And you tried to do that in your  
8 job?

9 A Yes, I did.

10 Q And was it your understanding that your  
11 director was monitoring your performance to see if  
12 you accurately classified all inquiries that came  
13 in?

14 A Yes, he would do that through the flash  
15 sheets.

16 Q Okay. And "classify all inquiries by the  
17 appropriate media source," what does that mean?  
18 What do you understand that to mean?

19 A Which one is that? No. 4?

20 Q It's No. 3.

21 A No. 3. That meant that -- the media  
22 source would be the zip code from all the leads that  
23 I received.

24 Q Okay.

25 A It would have a zip code on it. So I

1 would organize those leads in zip codes when I would  
2 call my students.

3 Q Okay.

4 A I believe that's what that means.

5 Q Okay. And I'm not going to go through all  
6 of these, but just to touch on a couple of other  
7 ones.

8 No. 5, "Comply with governmental  
9 regulations and standards of accreditation as they  
10 relate to enrolling students."

11 Do you see that?

12 A Yes, I do.

13 Q And that was part of your job  
14 responsibilities as an admissions representative?

15 A Yes, it was.

16 Q And did you understand that your  
17 performance was being evaluated in part by whether  
18 you were complying with the governmental regulations  
19 and standards of accreditation as they relate to  
20 enrolling students?

21 A Yes, because I explained all that to my  
22 students.

23 Q Okay. Another thing on here was -- just  
24 take a look at No. 14 and No. 15. They're kind of  
25 related. "Ensure that all pre-start paperwork is

1 completed."

2 That was part of your responsibilities?

3 A Yes.

4 Q And you tried to do that?

5 A Yes.

6 Q And you understood that your performance  
7 would be evaluated based in part on whether your  
8 prestart paperwork was complete; correct?

9 A Correct.

10 Q And same thing with No. 15, "Keep all  
11 required reports current and accurate"?

12 A I did all those things, yes, I did.

13 Q And you understood that your performance  
14 was being evaluated in part on whether you kept  
15 required reports current and accurate?

16 A Yes, I suppose that's what Cary did  
17 because I didn't -- you know, he had his own rules  
18 for his evaluations on everybody in the department.

19 Q Okay. Say that one more time.

20 A You know, he -- he evaluated all of his  
21 admissions reps. So I'm sure he had his own  
22 evaluation criteria.

23 Q Do you know what his evaluation criteria  
24 were?

25 A No, I never had a conversation with him

1 about it, but he expected high standards. I know  
2 that.

3 Q Uh-huh.

4 A That's what he was getting from me.

5 Q Okay.

6 A Maybe he went by this list. I don't know  
7 anything about that.

8 Q Okay.

9 Again, I'm so sorry.

10 THE VIDEOGRAPHER: If this is a good time, I'll  
11 switch the tapes over now.

12 MS. YOUNG: Yes. Off the record.

13 THE VIDEOGRAPHER: The video deposition is now  
14 going off record at 10:42 a.m. This will also  
15 conclude video No. 1 in today's deposition.

16 (A recess was taken from 10:42 a.m.  
17 to 10:51 a.m.)

18 THE VIDEOGRAPHER: The video deposition of  
19 Nyoka J. Lee, Volume No. 1, is returning to record  
20 at 10:51 a.m. This will also begin video No. 2 in  
21 today's deposition.

22 The location is still 6 Hutton Centre  
23 Drive, Fourth Floor, in Santa Ana, California. The  
24 date is still Monday, December 17th, 2012.

25 And my name is Ali Saheb with Dean Jones

1 Attorney Video Services in Los Angeles and  
2 Santa Ana, California.

3 BY MS. YOUNG:

4 Q Ms. Lee, I would remind you you're still  
5 under oath. Do you understand that?

6 A Yes, I do.

7 Q And is there anything you would like to  
8 change about your testimony you've given today?

9 MR. LEVY: No, there's nothing she would like  
10 to change.

11 MS. YOUNG: I'm asking the witness. I would  
12 like an answer from the witness.

13 THE WITNESS: No.

14 BY MS. YOUNG:

15 Q Okay. And just remember, our court  
16 reporter is trying to take everything down.

17 A Uh-huh. Yes.

18 Q And sometimes you've been jumping in  
19 before I finish my question. So please make an  
20 effort to wait for me to finish completely before  
21 you answer; okay?

22 A Yes.

23 MS. YOUNG: Okay. I'm handing you what we're  
24 going to mark as Exhibit 6.

25 (Defendants' Exhibit 6 was marked for



1 identification by the deposition officer and is  
2 bound under separate cover.)

3 BY MS. YOUNG:

4 Q Now, this is a document titled  
5 "Confidential Employee Performance Review." You see  
6 on the last page where there's a line for a  
7 signature, employ- -- for "Employee Acknowledgment."

8 Is that your signature?

9 A Yes, it is.

10 Q And it's dated November 19, 2001?

11 A Yes, it is.

12 Q And beneath that it says, "Review of  
13 Performance Discussion Summary and Employee  
14 Comments."

15 Do you see that?

16 A Yes, I do.

17 Q Do you recognize the signature beneath  
18 that line?

19 A Yes, it looks like Mr. Plant's signature.

20 Q Okay. And there are a couple of other  
21 signatures on the same page in the box with section  
22 Roman numeral VI. One is over a line for  
23 "Supervisor."

24 Do you see that?

25 A Yes.

1 Q Do you know whose signature that is?

2 A Cary Kaplan.

3 Q Okay. And where it says "Approval," do  
4 you know whose signature that is?

5 A It looks like Mr. Plant's signature.

6 Q Do you know whether Mr. Plant had to  
7 approve this document?

8 A Well, he obviously did. It's his  
9 signature on it. He's the president of the school.

10 Q Okay. What is this document?

11 A It says "Employee Performance Review."

12 Q Is this a performance review that you  
13 received while working on the San Francisco campus?

14 A I was working there at that time, yes.

15 Q And is this a performance review you  
16 received?

17 A Well, it's got my name on it and everybody  
18 else's, so I received it.

19 Q Okay. Do you know -- and this form has  
20 scores that are identified in various columns.

21 A I see that.

22 Q You'll see in section three there's a four  
23 or a five in some of these columns, and then there  
24 are other scores that are noted in the "Overall  
25 Employee Rating" box there.

1 Do you see that?

2 A Yes, I do.

3 Q Do you know how the scores on this form  
4 were awarded?

5 A Well, the director put them in there, the  
6 director of admissions.

7 Q And that was Cary Kaplan?

8 A Yes.

9 Q Do you know how Cary Kaplan decided what  
10 score --

11 A No, I do not. I don't know how he did it.  
12 All I saw was the numbers.

13 Q Okay.

14 A I don't know how he came to the  
15 conclusion. He never told me how.

16 Q Okay. And just remember to wait for me to  
17 finish my question first, please.

18 A Okay.

19 Q Okay. Let's take a look at section three  
20 of this form. It says "Performance Categories," and  
21 then there are several of them listed here.

22 Do you see that?

23 A Which one?

24 Q In section three of the form.

25 A I see three, yes.

1 Q In that section there are a number of  
2 different categories listed beneath that.

3 Do you see that?

4 A Uh-huh. Yes, I do.

5 Q There are about 15 different categories?

6 A Uh-huh.

7 Q Okay. And they're scored either  
8 "Improvement Critical," "Needs Improvement,"  
9 "Satisfactory," "Good" or "Excellent."

10 Do you see that?

11 A Yes, I do.

12 Q Okay. You don't know how Mr. Kaplan  
13 decided where you fell in this grid, do you?

14 A No, I don't know how he made his  
15 decisions.

16 Q Do you agree with the scores that you  
17 received here?

18 A I agree in terms of if they're accurate  
19 or --

20 Q Yeah, is that an accurate assessment of  
21 your performance?

22 For example, the first criteria,  
23 "demonstrates job knowledge and skill level required  
24 for the position," and you got a five for excellent.

25 Did you agree with that assessment?

1 A When I first looked at this, I probably  
2 didn't agree.

3 Q Why not?

4 A Because I felt I was excellent in all  
5 those areas, but I didn't get excellent. But, you  
6 know, like I said, I don't know how he evaluated me.

7 Q Okay. So you got "Good" in some and  
8 "Excellent" in others. You felt you should have  
9 gotten "Excellent" in everything; is that right?

10 A Yeah.

11 Q And none of these categories here ask  
12 whether you met an enrollment quota, do they?

13 A I don't see that on there. No, I don't.

14 Q Take a look at section four, "Major  
15 Accomplishments."

16 A Okay.

17 Q And right under that it says, "Zero to 25  
18 Points of Evaluation," and then there's a little  
19 narrative about your work.

20 Do you see that in that box?

21 A Uh-huh. Yes, I do.

22 Q It says, "Nyoka has an outstanding work  
23 ethic; arrives to work focused and prepared. She is  
24 highly organized and pays attention to detail. She  
25 relates exceptionally well with students and has

1 excellent customer service. It is my recommendation  
2 that Nyoka receive a promotion from Campus  
3 Admissions Representative to Senior Admissions  
4 Representative."

5 Do you see that?

6 A Yes, I do.

7 Q And did you agree with that assessment of  
8 your performance?

9 A Yes, of course, I did.

10 Q And again, you don't know how Mr. Kaplan  
11 arrived at this particular assessment; right?

12 A Not from these numbers here, if that's  
13 what you're asking me.

14 These numbers here (indicating), you're  
15 asking me about them?

16 Q No, I'm asking about what he wrote in --  
17 in the box No. 4.

18 A I have no idea other than the fact that he  
19 observed me when I was working and he wrote  
20 something he was feeling honest about.

21 Q Okay. So you have no knowledge of  
22 Mr. Kaplan's basis for the ultimate score he awarded  
23 you on this performance evaluation?

24 A How could I know? No.

25 Q Were you offered a promotion at this time?

1 A When I received this paper?

2 Q Correct. And remember --

3 A According to this, I was offered one from  
4 campus to senior.

5 Q Okay. It says, "It's my recommendation  
6 that Nyoka receive a promotion from Campus  
7 Admissions Representative to Senior Admissions  
8 Representative."

9 Do you --

10 A And I'm sure he based that on my numbers.

11 Q Okay. Why are you sure he based that on  
12 your numbers?

13 A Because he based everything on numbers,  
14 you know, and then he had to fill this in because  
15 this is the paper that they gave him to fill in. So  
16 he had to fill it in.

17 Q Okay. But he didn't tell you he was  
18 making the recommendation for your promotion because  
19 you met your numbers, did he?

20 A He always told me that.

21 Q He told you that you were being  
22 recommended for a promotion because you met --

23 A Well, he was always interested in my  
24 numbers.

25 Q Oh, I understood he was interested.

1 A Uh-huh.

2 Q I want to understand if he told you that  
3 the reason he was recommending you for promotion --

4 A Yes, he told me that. Yes, he did.

5 Q Let me finish my question.

6 A Okay. Sorry.

7 Q I want to understand if he told you that  
8 the reason that he was recommending you for  
9 promotion on this form in November of 2001 --

10 A Yes.

11 Q -- was because of the numbers that you met  
12 as an admissions representative?

13 A Yes.

14 Q When did that conversation take place?

15 A I have no idea. I can't answer that  
16 question.

17 Q Did anyone else hear that conversation?

18 A I don't know.

19 Q What else did he say during that  
20 conversation?

21 A I don't know.

22 Q Do you know where it happened?

23 A Probably in the admissions department.

24 Q Okay. Was it in his office? Was it in  
25 the hallway?



1 A It could have been in his office. It  
2 could have been in the hallway. It could have been  
3 at lunch. It could have been --

4 Q It could have been, but you don't remember  
5 where it was?

6 A No, I don't remember when I had that  
7 conversation with Cary, but he was always talking  
8 about it with me.

9 Q About what?

10 A My numbers.

11 Q Your numbers?

12 A Yes. Because my numbers meant his  
13 numbers.

14 Q Uh-huh.

15 A So that's how that worked.

16 Q Okay. But you can't recall if you  
17 actually got promoted at this time, can you?

18 A Well, this is the paperwork for it. This  
19 was my promotion right here. That's what this is.  
20 It says it right there, campus rep to admissions rep  
21 -- I mean, to senior rep.

22 Q Where are you looking?

23 A Right here (indicating).

24 Q Where it says a "recommendation"?

25 A Yes.

1 Q You don't -- you don't know if that  
2 recommendation was accepted, do you?

3 A I worked there. Of course, it was  
4 accepted because I was still at that company.

5 Q Were you promoted to senior admissions  
6 representative in November of 2001?

7 A I was promoted, yes, and then I got  
8 promoted again.

9 Q My question was --

10 A Yes, I was promoted.

11 Q Please let me finish my question before  
12 you answer.

13 A Okay.

14 MR. LEVY: Objection to form.

15 THE WITNESS: Finish, finish.

16 BY MS. YOUNG:

17 Q Were you promoted to a senior admissions  
18 representative in November of 2001?

19 A Yes, I was.

20 Q And you're certain of that date?

21 A Yes, I am.

22 MS. YOUNG: Let's take a look at some other  
23 documents. I'm handing you what we're marking as  
24 Exhibit 7.

25 (Defendants' Exhibit 7 was marked for

1 identification by the deposition officer and is  
2 bound under separate cover.)

3 BY MS. YOUNG:

4 Q This is a document that was produced to us  
5 by your lawyer. It's titled "Corinthian Colleges,  
6 Inc. Turnaround Document."

7 Do you see that at the top?

8 A Yes, I do.

9 Q Okay. And look in the box where it says  
10 "Job Information." Do you see that?

11 A Which one?

12 Q No. 4. It's got the number 4 by it.

13 A Yes, I see that.

14 Q Okay. And then it has one column that  
15 says FDT (sic). Do you have an understanding of  
16 what that means?

17 A Up here, FDT -- EFFDT? Is that the one  
18 you're looking at?

19 Q Uh-huh.

20 A No. What is it?

21 Q No. I'm asking if you understand what  
22 that means?

23 A I said no. What is it? I'm asking you  
24 what it is.

25 Q I'm not here to answer the question,

1 Ms. Lee.

2 A Okay. Well, then, no, I don't.

3 Q So you don't know if that means "effective  
4 date" or something else?

5 A It probably means -- EFFDT probably means  
6 "effective date."

7 Q Okay. And right underneath that is the  
8 date August 2nd, 2002.

9 A Uh-huh. I see that.

10 Q In that same row it says, "Job Title,  
11 Senior Campus Admissions Representative." Do you  
12 see that?

13 A Yes, I do.

14 Q Did you -- were you promoted to senior  
15 campus admissions representative on August 2nd of  
16 2002?

17 A Well, if this is saying -- I'm not sure if  
18 these dates are correct, you know. I'm not sure,  
19 but I know I was promoted from campus to senior,  
20 senior to master.

21 Q Uh-huh.

22 A I don't know if the dates are correct. I  
23 can't tell you at this moment.

24 Q Okay.

25 A Because that transpired already. I can't

1 tell you that.

2 Q Okay. Is that your signature at the  
3 bottom of this document?

4 A It is.

5 Q And this document was signed on  
6 November 5th, 2003?

7 A Yes, it is. According to this paper, yes.

8 Q Okay. And where you see the numeral  
9 ten -- do you see that?

10 A Yes, I see No. 10.

11 Q Where it says "Remarks," it says, "Changed  
12 From Senior to Master Rep." Do you see that?

13 A Yes.

14 Q Did you receive a promotion from senior to  
15 master representative on or around November 5th,  
16 2003?

17 A According to this document, I was.

18 Q Is that consistent with your recollection?

19 A As far as I can tell, yes.

20 Q Okay. So is it fair to say you're not  
21 sure exactly when or exactly what the date was when  
22 you were promoted from a campus admissions  
23 representative to a senior admissions  
24 representative?

25 A I don't recall that because it was a while

1 ago. I don't know those dates.

2 Q Okay. That's completely understandable.

3 A So no is the answer.

4 Q Okay. So you mean yes, it's fair to say  
5 that you don't remember exactly when you received  
6 that promotion?

7 A Yes, it's fair to say that.

8 MS. YOUNG: I'm handing you what we will mark  
9 as Exhibit 8.

10 (Defendants' Exhibit 8 was marked for  
11 identification by the deposition officer and is  
12 bound under separate cover.)

13 THE WITNESS: Thank you.

14 BY MS. YOUNG:

15 Q This is another turnaround document. Is  
16 that your signature at the bottom of the page?

17 A That's my signature.

18 Q Okay. And it's dated in March of 2002.  
19 Do you see that?

20 A Yes, I do. I can't see the two on my  
21 signature, but I see it above that, yes.

22 Q Did you receive a raise in or around March  
23 of 2002?

24 A This looks like I did.

25 Q Okay. Do you recall the reason for that

1 raise?

2 A It looks like Mr. Plant was in a good mood  
3 that day. I don't know. I don't recall the reason,  
4 but I'm looking at this paper and it looks like I  
5 received a raise.

6 Q Okay. And the other people who signed  
7 these documents, do you recognize those other  
8 signatures?

9 A Yes, it's Cary and Mr. Plant.

10 Q Okay.

11 A Same signatures.

12 Q Okay. In the -- next to the numeral ten  
13 there's a box called "Remarks." Do you see that?

14 A Yes, "Employee Hires." That's where you  
15 are?

16 Q Uh-huh. And it says, as best I can tell  
17 from reading the handwriting, "Employee hired in at  
18 very low wage and new employees with less experience  
19 are hired in at projected wages of something like  
20 \$45,000 due to high cost of Bay Area."

21 Do you see that?

22 A I see it.

23 Q Do you recall being given that reason as  
24 the reason why you were getting this raise?

25 A No, I don't recall that.

1 Q You don't recall any reason you were given  
2 for getting this raise; is that correct?

3 A No, I don't recall, but I see what  
4 Mr. Plant wrote.

5 Q Okay. We looked in Exhibit -- what was  
6 it -- Exhibit 7 a document showing that you received  
7 a promotion from senior to master campus admissions  
8 representative.

9 Do you see that?

10 A Yes, I do.

11 Q What's your understanding of why you  
12 received that promotion?

13 A Once again, Blanca, anytime you received a  
14 raise, it was because you had outstanding numbers  
15 for enrolling students. And I'm -- I'm pretty sure  
16 I enrolled some students. And I got it because  
17 that's how you got your raises.

18 Q And again, did you have a conversation  
19 with anyone in which they told you that the reason  
20 you were being -- getting that promotion from  
21 master -- senior to master campus admissions  
22 representative in 2003 was because of the number of  
23 people you enrolled?

24 A No, I do not recall a conversation like  
25 that, but I know that anytime anybody received a



1 raise in admissions, it was because of how they  
2 enrolled their students -- excuse me, how many  
3 students they enrolled, their conversion rates and  
4 all of that.

5 Q And again, you know that because --

6 A That's how admissions is run or was run.  
7 I don't know how it's run now, you know.

8 Q Okay. That's how it you was run at the  
9 time you were employed at the school?

10 A When I was employed there, that's how  
11 admissions was run.

12 Q And the time you were employed there was  
13 from 1999 until 2005; correct?

14 A That's correct.

15 Q May of 2005; correct?

16 A To my knowledge.

17 Q Okay. And you don't know how admissions  
18 was run after you left in May of 2005?

19 A And I don't know how it was run before I  
20 got there, but that's how it was run when I was  
21 there.

22 Q Okay.

23 A Okay.

24 Q And let me make sure I get a clear answer  
25 to my question. So please wait for me to finish.

1           You don't know how admissions was run  
2 after May of 2005, do you?

3           A     Well, I didn't work there anymore.

4           Q     And you didn't know; correct?

5           A     Well, no, I didn't know. I didn't work  
6 there. How could I know? But I'm sure it was run  
7 the same way before I left, after I left.

8           Q     But you don't know?

9           A     No. How could I know?

10          Q     Let's take another look at Exhibit 7.

11          A     Okay.

12          Q     Now, attached to this document is --

13          A     No. 7?

14          Q     Correct. Please flip over the top page.

15                -- another employee performance review  
16 form. Do you see that?

17          A     I see it.

18          Q     Do you know why it was produced just next  
19 to this turnaround document that we just looked at?

20          A     Why it was produced or stapled to?

21          Q     Well, this is something that we got from  
22 your attorney and these documents were produced next  
23 to each other.

24                Do you know why they came in that  
25 sequence?

1 THE WITNESS: Maybe you need to answer that.

2 MR. LEVY: No.

3 THE WITNESS: I don't know. I don't know.

4 BY MS. YOUNG:

5 Q Are these -- are these documents that you  
6 had in your possession and then provided to your  
7 attorney?

8 A I had these documents in my possession  
9 because when they were given to me and I signed  
10 them, I filed them.

11 Q Okay.

12 A So I had them.

13 Q I'm just trying to understand why these  
14 two documents were next to each other in your files.

15 A I can't tell you that.

16 Q Okay.

17 A This is the first time I'm seeing this.

18 Q Okay. So you don't know if this  
19 confidential performance review form informed the  
20 fact that you got a promotion, as noted in the  
21 turnaround document that's on top?

22 A You need to say that again. Okay.

23 Q Sorry. There's this performance review  
24 form.

25 A Yes.

1 Q It was produced to us just next to this  
2 turnaround document, which indicates you got a  
3 promotion in 2003.

4 A Yes, that seems logical.

5 Q Okay. Do you have any knowledge as to  
6 whether this employee performance review form  
7 informed the decision to give you the promotion?

8 A No, I don't.

9 Q And that's because you weren't involved in  
10 making that decision; right?

11 A No, I wasn't involved. It was Mr. Plant  
12 and Cary Kaplan's decision.

13 Q And, in fact, you don't know what reasons  
14 they had for giving you the promotion?

15 A No, I did not other than the fact that I  
16 made my numbers.

17 Q For the reasons that we've already talked  
18 about?

19 A Yes, for the reasons we've already talked  
20 about.

21 MR. LEVY: Objection to form.

22 THE WITNESS: Because you got acknowledged for  
23 that. When you made numbers in admissions, you got  
24 acknowledged for it in more than one way.

25 ///

1 BY MS. YOUNG:

2 Q Okay. Let's look at the performance  
3 review form.

4 A No. 7 again?

5 Q That is on No. 7. Correct.

6 A Okay.

7 Q And again, there's a number of criteria  
8 listed in here that have points assigned to them.  
9 Do you see that?

10 A Yes, I do.

11 Q Do you know how those points were  
12 assigned?

13 A No, I do not. I said that before. No, I  
14 do not.

15 Q And in section four, again, which is that  
16 box with the narrative description of your major  
17 accomplishments and contributions --

18 A Uh-huh, uh-huh. I see that.

19 Q -- do you know how the decision was made  
20 about what to write into that box?

21 A No, I do not.

22 Q Okay. So we talked about promotions that  
23 you received from being a campus admissions  
24 representative to being a senior admissions  
25 representative to being a master admissions

1 representative?

2 A Yeah, it was some sheet that was...

3 Q Did you receive any other promotions while  
4 you were working at the San Francisco campus from  
5 2000 until 2004?

6 A Other than what you see here, I didn't  
7 receive any promotions.

8 Q And did you receive any other salary  
9 increases other than what we discussed so far?

10 A No.

11 Q Did you receive any bonuses while you were  
12 working at the San Francisco campus from August of  
13 2000 until May 2005?

14 A Bonuses like money bonuses?

15 Q I'm sorry, May 2004.

16 A Money bonuses?

17 Q Yes, right.

18 A Well, a bonus could be a new coat. I  
19 don't know. That's why I asked you.

20 Q Okay.

21 A No.

22 Q Did you get anything like a new coat as  
23 well?

24 A No, I did not, unfortunately.

25 Q Okay. So after you worked as an

1 admissions representative in San Francisco until May  
2 of 2004, you then became the director of admissions  
3 at Hayward; is that right?

4 A That's true.

5 Q And that was in June of 2004?

6 A Well, it had to be after I left Bryman in  
7 San Francisco. And that was in 2005.

8 Q Okay. So I think we looked --

9 A If I have the dates right.

10 Q Yeah, I think we looked earlier at this  
11 document, but let's take another look just to make  
12 sure. So this, I think, was Exhibit 3. It's a  
13 June 4, 2004 letter that we looked at earlier.

14 A Yeah, I think this is from Terry Harty;  
15 right?

16 Q Right. And this is about commencing  
17 employment as director of admissions in June of  
18 2004; right?

19 A From my memory, I think I received this  
20 like 30 days after I was in the position. It was  
21 late. I know that.

22 Q Okay. But -- but you started --

23 A So the dates are off is all I'm saying.

24 Q Okay. But is it accurate that you started  
25 as the director of admissions at the Hayward campus

1 in June of 2004?

2 A Well, it's accurate that I started there,  
3 but I don't know if the date was exactly June.

4 Q Okay.

5 A I was over at the Hayward campus, yes, I  
6 was.

7 Q Okay. And you started at the Hayward  
8 campus as director of admissions sometime in June of  
9 2004?

10 A As director of admissions sometime in June  
11 of 2004.

12 Q Okay. Now, how were you paid as a  
13 director of admissions at the Hayward campus?

14 A I was salaried.

15 Q And were you eligible for a bonus?

16 A Well, I was eligible if I could have  
17 worked there long enough to get it, but I didn't  
18 work there.

19 Q How long did you work at the Hayward  
20 campus?

21 A Not very long because I was fired.

22 Q When were you fired?

23 A I'm not sure, but I worked there not even  
24 long enough to produce any numbers.

25 Q Okay. Let's see if we can't pin that date



1 down.

2 A There should be a termination somewhere,  
3 I'm sure.

4 MS. YOUNG: I'm handing you what we're going to  
5 mark as Exhibit -- 8?

6 THE REPORTER: 9.

7 MS. YOUNG: 9. Exhibit 9.

8 (Defendants' Exhibit 9 was marked for  
9 identification by the deposition officer and is  
10 bound under separate cover.)

11 BY MS. YOUNG:

12 Q This document is titled "Separation  
13 Report." And it says the -- it says your name on it  
14 as the employee's name, "Job Title, Director of  
15 Admissions," "Last Day Worked, August 13th, 2004."

16 Does that sound right as the last day that  
17 you worked as a director of admissions at the  
18 Hayward campus?

19 A I'm not sure, but my Social Security  
20 number is incorrect.

21 Q Okay. So if you started as a director of  
22 admissions in June of 2004, does it sound about  
23 right that you worked in that position for about two  
24 and a half months before you were terminated?

25 A Yes, that sounds about right, maybe less

1 than that.

2 Q Okay. Two and a half months or less?

3 A Uh-huh. "Failure to meet admissions  
4 goals." That's what it says on there.

5 Q And what were your responsibilities as a  
6 director of admissions?

7 A Well, at that particular time my  
8 responsibilities were to make sure that I met the  
9 goals and the numbers for that particular -- for the  
10 admissions department over there, but it wasn't  
11 possible to do that.

12 Q Okay. You were not directly responsible  
13 yourself for recruiting students?

14 A I was responsible -- according to Terry  
15 Harty, I was responsible.

16 Q Did you interact with students in your  
17 role as a director of admissions?

18 A Yes, I did.

19 Q You did. Tell me what those interactions  
20 were like.

21 A It was like just doing second interviews  
22 and sometimes interviewing because I had no  
23 admissions department, everybody quit when I came  
24 over there.

25 Q How many people were in the department

1 when you --

2 A I don't know. Five or six, something like  
3 that.

4 Q Please let me finish my question,  
5 otherwise we're not going to have a clear record of  
6 what you're answering.

7 A Okay.

8 Q How many people were in the department  
9 when you started, in the admissions department when  
10 you started?

11 A Five or six.

12 Q And you said that they all quit?

13 A That's what I said.

14 Q All -- all of them?

15 A All of them quit.

16 Q So not a single one was left?

17 A Yeah, nobody was in admissions but me.

18 And I was the director.

19 Q Okay. So you never gave anyone a  
20 promotion when you were the director?

21 A No. I had to hire a whole new team and I  
22 couldn't do that in a month. It was impossible.

23 Q Uh-huh. And you never filled out a  
24 performance evaluation for any employee?

25 A No, I did not.

1 Q All right. You never recommended anyone  
2 for a raise when you were the director of  
3 admissions?

4 A No, I did not.

5 Q Did you demote anybody when you were a  
6 director of admissions at Hayward?

7 A No, I did not.

8 Q Was one of your responsibilities as a  
9 director of admissions to evaluate employee  
10 performance?

11 A Yes, that's a responsibility of a  
12 director.

13 Q Okay. And we saw earlier some performance  
14 review forms that had been filled out for you by  
15 your director of admissions when you were an  
16 admissions representative.

17 Do you recall that?

18 A Yes, I do.

19 Q Were you supposed to fill out a similar  
20 form for your employees when it became time for them  
21 to be reviewed?

22 A I'm not sure because I never collaborated  
23 with Terry Harty on that and he never gave me one.  
24 We didn't get that far.

25 Q Okay. So did you have any discussion with

1 anyone at the Hayward campus about how you were  
2 supposed to go about doing those reviews?

3 A No.

4 MS. YOUNG: I'd like to show you a document.  
5 Okay. Let's mark this as Exhibit 10.

6 (Defendants' Exhibit 10 was marked  
7 for identification by the deposition officer and is  
8 bound under separate cover.)

9 THE WITNESS: Thank you.

10 BY MS. YOUNG:

11 Q And this is a document that was produced  
12 to us by your attorney. Have you ever seen it  
13 before?

14 A It looks like the rest of the documents  
15 that you showed me in terms of performance review.

16 Q Uh-huh. But this one is a blank one and  
17 it also has some material attached to the end  
18 starting at page R 00373 --

19 A Uh-huh.

20 Q -- which is titled "Performance  
21 Evaluations For Employees," and then there's some  
22 guidelines laid out here about how to fill out the  
23 form.

24 Is that something you've seen before?

25 A I don't recall this document.

1 Q Do you know how that -- is this a document  
2 that you provided to your counsel?

3 A I'm not sure.

4 Q So you don't recall if this document came  
5 from your own files?

6 A No, I don't recall, not at this moment.

7 Q Okay.

8 A But it's a typical CCI document.

9 Q And I may have asked you this before, but  
10 let me just ask in case I didn't. I take it in the  
11 two and a half months you worked as the director of  
12 admissions for Hayward you never recommended anybody  
13 for a salary increase; is that right?

14 A No.

15 Q Is that correct?

16 A That's correct.

17 MS. YOUNG: Okay. I'm handing you what we're  
18 going to mark as Exhibit 11.

19 (Defendants' Exhibit 11 was marked  
20 for identification by the deposition officer and is  
21 bound under separate cover.)

22 BY MS. YOUNG:

23 Q And at the end of the document, is that  
24 your signature?

25 A Yes, it is.

1 Q Did you create this document?

2 A Yes, I did.

3 Q What is it?

4 A It was a goal plan for my admissions rep,  
5 the person that was hired over there.

6 Q So you created this in the first week you  
7 were hired as a director of admissions at Hayward?

8 A Yes, I did.

9 Q So sometime in June of 2004?

10 A Something like that.

11 Q Did you create this document on a  
12 computer?

13 A Yes, I did.

14 Q Okay. And what computer was it that you  
15 created the document on?

16 A Well, I don't know what computer it was.  
17 It could have been one at the school or I don't  
18 know. I would have to say that or it could have  
19 been one at my house. I'm not sure. It wasn't a  
20 typewriter. That's for sure.

21 Q Okay. And you said you created this in  
22 the first week, but looking at the very top of the  
23 document, it says "Week Four."

24 Do you see that?

25 A Okay. First week, second week, first

1 A Yes, I wrote that.

2 Q And then -- I wasn't asking if you wrote  
3 it, I was asking if it's an accurate statement.

4 A It is accurate.

5 Q And then you continue, "The termination  
6 will be based upon their attitude and current  
7 marketing/sales plan that he/she is responsible to  
8 develop." Is that an accurate statement?

9 A Yes, it is.

10 Q So termination wasn't based on numbers, it  
11 was based on their attitude and marketing plan;  
12 right?

13 MR. LEVY: Objection to form.

14 THE WITNESS: Marketing, attitude, numbers,  
15 enrollments. It was based on all of that because  
16 that's admissions. That's what missions --  
17 admissions is all about.

18 BY MS. YOUNG:

19 Q When you wrote this sentence, you didn't  
20 say "numbers," "admissions"?

21 A No, I didn't because it's not in there,  
22 but that's what it was.

23 Q Okay. But when you wrote this document,  
24 you said, "The termination will be based upon their  
25 attitude and current marketing/sales plan," and



1 that's all you said; right?

2 MR. LEVY: Objection; the document speaks for  
3 itself.

4 THE WITNESS: That's what I wrote in this.  
5 Right.

6 BY MS. YOUNG:

7 Q Okay. Take a look at paragraph seven. In  
8 paragraph seven of this document you write,  
9 "Promotions occur when you meet or exceed the yearly  
10 quota agreed upon at the time of hire. The Director  
11 of Admissions and members of the Corporate  
12 Management Team determine promotions."

13 Do you see that?

14 A Yes, I do.

15 Q And that was your interpretation of how  
16 things worked; is that right?

17 A That was how it worked when I worked in  
18 admissions. And I feel, as a director, it was still  
19 on board when I went to Hayward. That was how it  
20 worked when I was in admissions in San Francisco.

21 Q Okay.

22 A And that's how it worked at Hayward.

23 Q But you never promoted anyone at Hayward,  
24 so how do you know that?

25 A No. Excuse me? Because -- because --

1 Q How do you know --

2 A -- I know polices -- policies. I knew the  
3 company policies because it was given to me when I  
4 was hired. And I worked there for several years, so  
5 I know -- I knew the company policies.

6 Q Okay. So the written policy is what you  
7 followed?

8 A Yes.

9 Q Okay. And --

10 A And what my director and my president told  
11 me.

12 Q Okay. And --

13 A So I followed the policies.

14 Q And it's your understanding that other  
15 directors of admissions followed the written policy;  
16 is that right?

17 A Yes. You're an employee. If you're an  
18 employee and you're a director, you have to follow  
19 the policies.

20 Q Okay. So if we want to figure out what  
21 the practices were like, we should look at the  
22 written policies?

23 A Yeah, that or the brochures or whatever  
24 corporate sends you or whatever.

25 Q Okay. But in your experience, the

1 directors of admissions, the other people that were  
2 responsible for determining promotions and salary  
3 raises, they just did what the written policy told  
4 them to do; right?

5 MR. LEVY: Objection; form, calls for  
6 speculation.

7 THE WITNESS: As far as I know.

8 BY MS. YOUNG:

9 Q That's your understanding; right?

10 A Yes, that's my understanding because I  
11 wasn't trying to create any new rules.

12 Q Okay. When you say in paragraph seven,  
13 "The Director of Admissions and members of the  
14 Corporate Management Team determine promotions,"  
15 what did you mean by the word "determine"?

16 A Make the final decision.

17 Q Okay. So they have some discretion in  
18 terms of who gets a promotion; is that right?

19 A Yes. Yes, they do.

20 Q When they -- when they exercise that  
21 discretion, they can consider factors other than  
22 enrollments; isn't that right?

23 A Well, they never said that to me, but  
24 that's how you got -- that's how you got to the top,  
25 so to speak. You enrolled your students and you got

1 your numbers.

2 Q Now, a director of admissions couldn't  
3 just promote somebody all by themselves; right?

4 A I never knew one director that did that.

5 Q Okay. Didn't they have to get approval  
6 from someone else before somebody got promoted?

7 A I'm not sure because I didn't ever promote  
8 anybody.

9 Q Okay. So you don't know whether --

10 A I only know from my experience of getting  
11 promoted. That's all I know.

12 Q Okay. Understood.

13 A Okay.

14 Q So you don't know to what extent there was  
15 management oversight over the decision to promote  
16 somebody or give them a raise?

17 A No. Because that was always done for me,  
18 so I just know that part.

19 Q You just know it was done for you?

20 A Yes.

21 Q Okay. Now, I want to talk about your  
22 compensation in the short time that you were the  
23 director of admissions at Hayward for two and a half  
24 months.

25 A Yes.

1 Q Did you -- did you get any promotions  
2 while you were the director of admissions --

3 A No, I got demoted if you want to know the  
4 truth.

5 Q Okay. Again, please let me finish.  
6 Did you get --

7 MR. LEVY: Objection to form.

8 You keep interrupting her and you're  
9 saying she's cutting you off, but, you know, your  
10 questions have been complete and she's answered  
11 them. So...

12 MS. YOUNG: No, I've -- I've been unable to get  
13 a complete question on the record and she's jumping  
14 in and I want our transcript to be clear. And for  
15 the benefit of the court reporter, I would like to  
16 finish my question before she answers.

17 MR. LEVY: And it -- and it sounds like you are  
18 finished and she's answering them timely.

19 MS. YOUNG: No, that's not, in fact, true. And  
20 if you want to review the transcript during a break,  
21 you should do that because I'm certain I have not  
22 been able to get an answer to my question. And  
23 that's not the only time I've asked Ms. Lee to  
24 please wait for me to finish.

25 Can I please have the last question read

1 back into the record as well as the answer.

2 (Whereupon, the record was read as  
3 follows:

4 "Question: Did you -- did you  
5 get any promotions while you were  
6 the director of admissions --

7 "Answer: No, I got demoted if  
8 you want to know the truth.")

9 BY MS. YOUNG:

10 Q Okay. And did you get any salary  
11 increases while you were the director of admissions  
12 at Hayward for that two-and-a-half month period?

13 A No, I did not.

14 Q And I take it you didn't receive any  
15 bonuses either. I think you testified to that.

16 A No, I didn't.

17 Q Okay. After you were terminated from  
18 Hayward, which was in or around -- when was it --  
19 August of 2004, did you re-apply for employment with  
20 Corinthian?

21 A No, I did not. I was asked to be  
22 reinstated at San Jose by one of the district  
23 managers because I was a heavy hitter.

24 Q Who asked you to be reinstated?

25 A I think it was Chris VanEs. I'm not sure.

1 Q So you did accept that offer and ended up  
2 becoming employed again at Corinthian?

3 A I got rehired.

4 Q And when --

5 THE REPORTER: I'm sorry. I didn't hear you.

6 THE WITNESS: Huh?

7 THE REPORTER: I didn't hear your answer.

8 THE WITNESS: She asked me a question. I did  
9 get rehired.

10 BY MS. YOUNG:

11 Q And when did you get rehired?

12 A I'm not sure of the date. I think it was  
13 one month after I left Hayward.

14 MS. YOUNG: Okay. Let's take a look at a  
15 document that may help pin it down. Okay. Let's  
16 mark this as Exhibit 12 -- I think we're on.

17 (Defendants' Exhibit 12 was marked  
18 for identification by the deposition officer and is  
19 bound under separate cover.)

20 BY MS. YOUNG:

21 Q Okay. And now, this document has your  
22 signature on the second and third page; is that  
23 correct?

24 A The second page is correct. The third  
25 page is correct.

1 Q The signature is dated November 19, 2004.  
2 Do you see that?

3 A Yes, I see it.

4 Q And the title on the first page of the  
5 document says, "Application for Employment,  
6 Corinthian Colleges. Position Desired: Master  
7 Rep."

8 Do you see that?

9 A Yes, I see that.

10 Q Was this the application that you filled  
11 out to be rehired in San Jose?

12 A Probably. It looks like it could be.

13 Q Okay. Does November of 2004 sound like  
14 the right time period when you were rehired in  
15 San Jose?

16 A Might be. I'm not sure. It was about a  
17 month and a half after I left the Hayward campus or  
18 around something like that.

19 Q Okay.

20 A Uh-huh.

21 Q So sometime around maybe November 2004 or  
22 thereabouts --

23 A Yes.

24 Q -- you were rehired as a master admissions  
25 representative to San Jose?



1 A Yes.

2 Q And you were getting a salary-based  
3 compensation again?

4 A Yes.

5 MS. YOUNG: I'm handing you what we'll mark as  
6 Exhibit 13.

7 (Defendants' Exhibit 13 was marked  
8 for identification by the deposition officer and is  
9 bound under separate cover.)

10 MR. LEVY: Can I have one?

11 MS. YOUNG: I'm sorry.

12 MR. LEVY: That's all right. Thank you.

13 BY MS. YOUNG:

14 Q And if you look at page 3, is that your  
15 signature on the document?

16 A That's it.

17 Q And then again, there's some additional  
18 three pages toward the back. And on the very last  
19 page, is that also your signature?

20 A Yes, it is.

21 Q Is this the compensation plan that  
22 governed your employment as a master campus  
23 admissions representative in San Jose?

24 A I think this is the same one you showed me  
25 before, yes.

1 Q Is this what applied to you in the 2004  
2 time period when you were rehired?

3 A Yes, it applied to me. Tim Lee was the  
4 district manager. Actually, he was the director of  
5 admissions. There's his signature right there  
6 (indicating).

7 Q Okay. And who signed as college president  
8 here, if you know?

9 A Somebody. I don't know who that was.

10 Q Okay.

11 A Lozer (phon.) or something. I'm not sure.

12 Q You read this document before you signed  
13 it?

14 A Yes.

15 Q And you understood it before you signed  
16 it; correct?

17 A Yes.

18 Q And on the first page of this document it  
19 says, "Minimum Standards of Performance," and then  
20 it lists 18 standards again.

21 Do you see that?

22 A Yes, I do.

23 Q And just like we talked about before,  
24 these are -- were your job responsibilities when you  
25 were rehired as an admissions representative in

1 2004?

2 A Same, yes. It didn't change.

3 Q And -- and you tried to fulfill these  
4 responsibilities?

5 A Yes, I did.

6 Q And you understood that you were being  
7 evaluated based on whether you fulfilled all 18 of  
8 these responsibilities?

9 A That and my numbers. It's always numbers.

10 Q Okay.

11 A Enrollments.

12 Q When you received this document that we've  
13 marked as Exhibit 13, did you go over it with  
14 anybody?

15 A I'm not sure, but I don't know why I  
16 should have had to go over it with anyone because I  
17 already had it before.

18 Q Okay. You don't recall whether or not you  
19 reviewed this with someone, do you?

20 A No, no.

21 Q Okay. And when you were hired as an  
22 admissions representative in San Jose in 2004, did  
23 you have any discussion with anybody about how you  
24 would be compensated?

25 A I'm sure I had a conversation with either

1 the director or the district manager.

2 Q Do you recall the substance of that  
3 conversation?

4 A No, I don't recall.

5 Q How long did you work as a master  
6 admissions representative in San Jose?

7 A Not long.

8 Q Can you give me an estimate? A couple of  
9 months?

10 A One month maybe. And they sent me to San  
11 Francisco. So they juggled me around quite a bit.

12 Q Okay. So you never received a promotion  
13 when you were a master admissions representative  
14 working in San Jose?

15 A No.

16 Q No, you never -- it's correct that you  
17 never received a promotion?

18 A I never received a promotion in the one  
19 month that I was working there.

20 Q Okay. And you never received a salary  
21 increase in the one month you were working there?

22 A No.

23 Q Is that correct?

24 A That's correct.

25 Q And you never got a bonus during that time

1 period either?

2 A Never got a bonus.

3 Q Okay. So you transferred to San Francisco  
4 after that short period of time?

5 A I didn't transfer, they sent me to San  
6 Francisco.

7 Q Okay. You were transferred?

8 A Without a transfer. They didn't have a  
9 transfer.

10 Q Okay.

11 A They just sent me to San Francisco.

12 Q Do you know why they did that?

13 A You'd have to ask them.

14 Q Okay.

15 A They said they needed a heavy hitter in  
16 San Francisco. That's what Tim Lee told me. "Can  
17 you go to San Francisco?" So I went to San  
18 Francisco.

19 Q Okay. Did you maintain your position as a  
20 master admissions representative when you  
21 transferred?

22 A When I went to San Francisco, I did, yes.

23 Q You did. And did you maintain your same  
24 salary level when you transferred from San Jose to  
25 San Francisco?

1 A As far as I know and can remember because  
2 they never got it right.

3 Q And when you made that transfer from  
4 San Jose to San Francisco, at that time did you have  
5 a discussion with anyone about how you would be  
6 compensated?

7 A Oh, man, I had conversations with a whole  
8 bunch of people, with the corporate headquarters,  
9 whoever was in H.R. at that time. I can't remember  
10 names. And I had conversations with the school in  
11 San Jose, the director of admissions, the president,  
12 the president in San Francisco, and the director up  
13 there.

14 Q Describe the substance of those  
15 communications with me.

16 A Confused. They didn't have their  
17 paperwork in order. So I was getting my paycheck  
18 from San Jose and I'm working in San Francisco.  
19 They didn't transfer me properly.

20 Q Okay. So your discussions relating to  
21 your compensation during that time period had to do  
22 with paperwork issues related to the transfer; is  
23 that correct?

24 A Yeah, related to the nontransfer.

25 Q Or the nontransfer?

1 A Okay.

2 Q Okay. In those discussions did the  
3 subject of what you would have to do in order to get  
4 a promotion or salary increase --

5 A All the time.

6 Q -- come up?

7 A All the time.

8 Q Okay.

9 A Produce the numbers. That was always the  
10 production -- I mean, the conversation.

11 Q And, again, in this time period --

12 A I had -- hardly had any time to produce  
13 any numbers before I was fired again because I  
14 didn't produce.

15 Q Okay.

16 A Okay.

17 Q Again, that's not what my question was.

18 A Okay. What was your question?

19 Q Please let me ask my question.

20 In this time period when you were  
21 transferring or being transferred from San Jose to  
22 San Francisco --

23 A Uh-huh.

24 Q -- can you recall a specific conversation  
25 with anybody where your compensation was discussed

1 in connection with your numbers?

2 A Well, my conversations with the director  
3 in San Francisco was all about numbers. Okay.  
4 "Produce the numbers" and that's all I got from  
5 them.

6 Q And were those conversations in  
7 connection --

8 A And convert the leads into interviews.  
9 That's all it was. All the time.

10 Q Okay. And were those discussions in  
11 connection with how you would be compensated or was  
12 it just --

13 A Well, I was salaried at that point.

14 Q Okay.

15 A So it was on this -- I didn't need to  
16 discuss anything because when I hired in, I was  
17 quoted a salary and that was it.

18 Q Okay. So when you had discussions the  
19 second time around in the San Francisco campus about  
20 the need to make numbers and all about enrollments,  
21 that was not in connection with your compensation?  
22 Am I understanding you correctly?

23 MR. LEVY: Objection to form. That completely  
24 mischaracterizes what she's saying.

25 ///



1 BY MS. YOUNG:

2 Q I just want to make sure --

3 A Well, compensation is a salary.

4 Q Right.

5 A That's it.

6 Q Okay.

7 A Compensation is what salary they quoted me  
8 they were going to pay me. Okay.

9 Now, what are you getting at?

10 Q I just want to know in what context the  
11 discussion about meeting your numbers and enrolling  
12 people took place.

13 Did that conversation when you were  
14 working as an admissions representative in San  
15 Francisco for the second time --

16 A Yes.

17 Q -- happen in the context of discussing  
18 what your salary would be or what your compensation  
19 would be?

20 A No. Once you signed the contract saying  
21 you are getting a salary, you don't have to discuss  
22 that no more. All you have to do is get your  
23 numbers.

24 Q Okay.

25 A You know, we never discussed changing my

1 salary at that time or anything. Do you understand?

2 Q I understand.

3 A Okay. That's what happened.

4 Q Okay. How long did you work in San  
5 Francisco after you were transferred there?

6 A Barely a month.

7 Q So once again, you were not promoted  
8 during that one-month time period?

9 A No, I was not. I was humiliated.

10 Q Okay.

11 A Okay.

12 Q And you didn't get a salary increase?

13 A No, I didn't.

14 Q You didn't get a bonus?

15 A I didn't get a bonus, I didn't get a  
16 salary increase, I didn't get a compliment, I didn't  
17 get anything. But, you know, leads to conversions.  
18 That's always what it is, your numbers. "Produce."

19 Q And then you were terminated?

20 A Yes.

21 Q Do you recall roughly what month?

22 A I think it was May. I'm not sure.

23 Q May of 2005?

24 A I'm pretty sure it was May.

25 Q Do you know why you were terminated?

1 A I just told you, Blanca. I couldn't make  
2 any numbers in 30 days because I was starting from  
3 scratch in San Jose.

4 Q Uh-huh.

5 A As far as I can remember, I interviewed  
6 about 100 people and I had my pipeline going, and  
7 then something happened. I was out of there. They  
8 didn't want me there anymore, so...

9 Q I'm --

10 A Because I wasn't producing. There was no  
11 way I could produce ten enrollments because the  
12 economy was down, everything -- people weren't  
13 enrolling at that particular time. There was just  
14 no way it was possible to do that.

15 Q Okay. So let me just see if I can  
16 summarize your work history with Corinthian.

17 A Okay.

18 Q You were --

19 A Good luck.

20 Q Well, we'll see if we can do it.

21 A Uh-huh.

22 Q You were an independent contractor working  
23 as a test proctor for the school --

24 A Uh-huh.

25 Q -- from approximately November 1999 until

1 August of 2000; is that correct?

2 A Uh-huh. I think that's what we said.

3 Q Okay. And then you worked as an  
4 admissions representative at the San Francisco  
5 campus at various levels --

6 A Uh-huh.

7 Q -- from approximately September or  
8 thereabouts of 2000 until roughly May of 2004; is  
9 that right?

10 A Uh-huh. Yes.

11 Q Okay. Then you were a director of  
12 admissions at Hayward for a short period of time?

13 A Uh-huh.

14 Q Maybe from June of 2004 to about August of  
15 2004; right?

16 A Something like that.

17 Q Okay. And then you were rehired to work  
18 as an admissions representative in San Jose around  
19 November of 2004; is that right?

20 A Whatever that paper says in there. You're  
21 getting me confused now.

22 Q Okay.

23 A But it was a short period.

24 Q It was shortly after -- a few months after  
25 you were terminated from Hayward, you were then

1 asked to --

2 A To go to San Jose and shortly after that I  
3 was asked -- asked to go to San Francisco.

4 Q Okay.

5 A Because nobody was making any numbers up  
6 there. And whenever they needed somebody to come  
7 and make enrollments, they called Nyoka. And that's  
8 what they did. And they asked me to go to San  
9 Francisco, Tim Lee did. Didn't do a transfer or  
10 nothing, just said, "Can you report to San  
11 Francisco?"

12 Q Okay.

13 A It was very confusing to me, but I did  
14 what my district manager asked me to do. And that's  
15 what I was supposed to do and he was supposed to  
16 handle the rest, so...

17 Q Okay. So then you went to San Francisco  
18 and worked there until about May of 2005?

19 A Uh-huh. Something like that, yes. That  
20 sounds about right.

21 Q Okay. And since May of 2005, you've never  
22 done any work for Corinthian Colleges?

23 A Huh-uh. I don't think they would hire me  
24 again after all of that, do you? I've never worked  
25 for Corinthian again.

1 Q Okay.

2 A It's the first time I showed up today at  
3 Corinthian Colleges.

4 Q And we've discussed all of the promotions  
5 that you ever received as a Corinthian employee; is  
6 that correct?

7 A Uh-huh. Yes.

8 Q We've discussed all the salary increases  
9 you ever received as a Corinthian employee; is that  
10 right?

11 A Yeah, that's in these documents here.

12 Q Okay. And we've discussed all the  
13 compensation that you received from Corinthian  
14 Colleges; is that right?

15 A As far as I know.

16 Q Okay. And you never at any time got a  
17 bonus from the school; is that right?

18 A No, I never went to Parthenon or any of  
19 that stuff.

20 Q You never got a bonus from the school?

21 A No.

22 Q And you've never at any time worked at a  
23 school campus other than San Francisco, San Jose or  
24 Hayward; is that correct?

25 A Not for Corinthians (sic).

1 Q Not for Corinthian?

2 A No -- or actually, yes -- no, as you say.

3 Yes, I haven't worked for -- or no, I haven't.

4 You're getting me confused. No, I haven't worked

5 for any other campuses at Corinthians.

6 Q Other than San Francisco, San Jose or

7 Hayward?

8 A Yes.

9 Q Okay. And you've never recruited students

10 to go to a campus other than San Francisco, San Jose

11 or Hayward?

12 A I never worked in admissions after I left

13 Corinthian's admissions at any other campus.

14 Q Okay. And you don't have any firsthand

15 knowledge of how admissions representatives at other

16 campuses besides San Francisco, San Jose or Hayward

17 were compensated?

18 A I have some idea. They were operated on

19 the same principle because I went to three schools.

20 And we -- admissions reps talk, you know. They do

21 the same thing that we were doing at other campuses.

22 Q How do you know that?

23 A Well, because admissions rep -- admissions

24 reps that I worked with while I was at Bryman or

25 Corinthians, they would quit when they couldn't make

1 family. They talk to each other, you know.

2 Q Okay.

3 A So I can't give you any specific dates or  
4 times or names at this moment, but it -- that was  
5 the general consensus.

6 Q Okay. Can you name --

7 A And I thought it was shocking, but it --  
8 that's what happened.

9 Q Can you name a single admissions  
10 representative --

11 A No, I don't want to name any names. I  
12 don't have a name for you right now. I don't have  
13 any names.

14 Q Okay. Ms. Lee, if you know a name, I'm  
15 entitled to it.

16 A Well, I don't know any names.

17 Q So you can't give me a name -- please let  
18 me finish my question. You can't give me a name of  
19 an admissions representative at any campus other  
20 than the ones you worked at for Corinthian who told  
21 you anything about how they were compensated. Am I  
22 correct?

23 A Compensated? Oh, I thought we were  
24 talking about -- can you state the question again  
25 because you confused me on that one.



1 Q Sorry about that.

2 MS. YOUNG: Can I have my question read back,  
3 please.

4 (Whereupon, the record was read as  
5 follows:

6 "Question: You can't give me a  
7 name of an admissions representative  
8 at any campus other than the ones  
9 you worked at for Corinthian who  
10 told you anything about how they  
11 were compensated. Am I correct?")

12 THE WITNESS: When you say "compensated," are  
13 you talking about their salary or their numbers?  
14 Because being compensated is one thing, your numbers  
15 is another when you work in admissions.

16 BY MS. YOUNG:

17 Q I'm talking about how people got paid, how  
18 they got compensated.

19 A Well, they got compensated on how many  
20 enrollments they made, which are numbers, when they  
21 got their promotion. You got promoted because you  
22 made 120 starts or however many they say it is now.  
23 I'm not sure. You got -- you got compensated on how  
24 many starts you made, how many people stayed in  
25 school. If you had 120 starts, you could get

1 promoted from one admissions rep to another or  
2 whatever the numbers are. I just used that as an  
3 example.

4 Q I --

5 A That's how you got promoted in admissions.

6 Q I understand that's what you believe.

7 A No, that's what I know.

8 Q But I would like -- I would like an answer  
9 to my question.

10 MS. YOUNG: If I can have it read back again,  
11 please.

12 MR. LEVY: Objection to form, argumentative.

13 THE REPORTER: I'm sorry. Objection to form  
14 and?

15 MR. LEVY: Argumentative.

16 THE WITNESS: I'm just trying to understand  
17 what you're -- where you're coming from.

18 (Whereupon, the record was read as  
19 follows:

20 "Question: You can't give me a  
21 name of an admissions representative  
22 at any campus other than the ones  
23 you worked at for Corinthian who  
24 told you anything about how they  
25 were compensated. Am I correct?"

1 THE WITNESS: That's correct.

2 BY MS. YOUNG:

3 Q And did you have a discussion with any  
4 admissions representative who worked for Corinthian  
5 at a campus other than where you worked about  
6 whether they got promotions or raises?

7 MR. LEVY: Can I have that question again.

8 (Whereupon, the record was read as  
9 follows:

10 "Question: And did you have a  
11 discussion with any admissions  
12 representative who worked for  
13 Corinthian at a campus other than  
14 where you worked about whether they  
15 got promotions or raises?"

16 THE WITNESS: Basically, Blanca, the  
17 conversations I had with other admissions reps were  
18 always about numbers. That's what it was always  
19 about. I never discussed their compensation or how  
20 much they got for a raise or -- they didn't talk  
21 about stuff like that. They talked about how many  
22 enrollments you had.

23 BY MS. YOUNG:

24 Q And did they discuss anything about  
25 getting promotions or whether they were --

1           A     No, I didn't discuss that kind of  
2     information with other employees. Nobody talked to  
3     me about it, and I didn't talk to them about it  
4     because it wasn't my business. Because I could see  
5     what enrollments were when I got the flashes. And  
6     everybody that worked at all the campuses could see  
7     that.

8           Q     Uh-huh.

9           A     And that's what we got.

10          Q     Okay.

11          A     Weekly, monthly and daily.

12          Q     You didn't discuss --

13          A     No, I didn't discuss.

14          Q     Stop just a minute.

15                 You didn't discuss salary raises or  
16     whether someone was eligible for a raise with other  
17     employees of Corinthian, did you?

18          A     Again, no, I didn't discuss that.

19          Q     Have you ever visited a campus of  
20     Corinthian other than San Francisco, San Jose or  
21     Hayward?

22          A     Let's see. I don't think so. I don't  
23     recall.

24          Q     So just to summarize, since May of 2005  
25     you've not been employed by the school in any

1 capacity?

2 A No, I have not.

3 Q You've not provided any services or any  
4 independent contracting work to the school since  
5 May of 2005; is that correct?

6 A That's correct.

7 Q You've received no compensation from the  
8 school at all since you were terminated in May of  
9 2005; is that correct?

10 A No, I haven't. That's correct.

11 Q All the promotions you received at the  
12 school happened before January 1st, 2005; is that  
13 right?

14 A That's correct.

15 Q All the salary increases you received from  
16 the school happened before January 1st, 2005; is  
17 that correct?

18 A I'm pretty sure those dates are correct,  
19 but I would have to see it in writing on these  
20 papers, but I'm going to say yes to that.

21 MS. YOUNG: Okay. And just make sure that your  
22 mic is -- can you hear her on the mic? I want to  
23 make sure that --

24 THE WITNESS: I need to leave to go to the  
25 restroom.

1 MS. YOUNG: Okay.

2 MR. LEVY: Okay. We'll take a break.

3 MS. YOUNG: Let's take a quick break.

4 THE WITNESS: Thank you.

5 THE VIDEOGRAPHER: The video deposition is now  
6 going off record at 12:08 p.m. This will also  
7 conclude video No. 2 in today's deposition.

8 (A recess was taken from 12:08 p.m.  
9 to 12:25 p.m.)

10 THE VIDEOGRAPHER: The videotaped deposition of  
11 Nyoka J. Lee, Volume No. 1, is returning to record  
12 at 12:25 p.m. This will also begin video No. 3 in  
13 today's deposition.

14 The location is still 6 Hutton Centre  
15 Drive, Second Floor, in Santa Ana, California. The  
16 date is Monday, December 17th, 2012.

17 My name is Ali Saheb with Dean Jones  
18 Attorney Video Services in Los Angeles and Santa  
19 Ana, California.

20 BY MS. YOUNG:

21 Q Okay. Ms. Lee, you understand you're  
22 still under oath?

23 A Yes, I do.

24 Q Okay. And we'll go for just a little bit  
25 longer and then break for lunch.

1 BY MS. YOUNG:

2 Q I'm sorry. Go ahead, Ms. Lee.

3 A Well, this is what the director would give  
4 us every week, every Monday, as a matter of fact,  
5 showing us how we stacked up against all the rest of  
6 the admissions and all -- how all the directors  
7 stacked up against all the rest of the directors.  
8 They just would give us these reports and these  
9 reports here.

10 I don't know. Do you have them in there?

11 Q And -- and --

12 A That's the -- if you want the names of  
13 some of the people in admissions, it's on there.

14 Q Okay. So you're --

15 A But I can't --

16 Q -- referring just now to the document with  
17 the number 466 at the bottom?

18 A This one, yes, that's what I was referring  
19 to.

20 Q Okay.

21 A Any document in there that has the --  
22 these are the activity reports that we would get.

23 Q Okay. I also see some documents titled  
24 "Ad Rep Performance Flash."

25 A Yeah, and that's for like the lead to

1 conversion rates on there.

2 Q Okay.

3 MR. LEVY: And we've provided those, the Bates  
4 number is on -- these are all marked.

5 BY MS. YOUNG:

6 Q Okay. Am I correct though that none of  
7 these documents say anything about compensation for  
8 the admissions representatives?

9 A I don't think it says. The only  
10 compensation is what you see on me. Nobody else.

11 Q Okay. So --

12 A And I don't have compensation documents on  
13 anybody else but myself.

14 Q Okay. And you've not provided us with any  
15 documents today that describe or explain how  
16 admissions representatives were compensated; is that  
17 right?

18 A Other than what we have in here that we've  
19 gone over.

20 Q I'm talking about the documents you  
21 brought with you to the deposition today.

22 A No, this is -- the same stuff you have, I  
23 have.

24 Q Okay. So other than the documents that  
25 describe how you, Nyoka Lee, were compensated,



1 you're not aware of any documents describing how  
2 other admissions representatives were compensated?

3 A No, I'm not aware of that.

4 Q And are you aware of any documents  
5 explaining how directors of admissions would be  
6 compensated by Corinthian?

7 A No.

8 Q We've discussed various communications  
9 you've had with other individuals at this school.  
10 Other than what we've already discussed up until  
11 now, are you aware of any discussions among anyone  
12 at Corinthian about how admissions representatives  
13 were compensated?

14 A No, I'm not. All I'm aware of is that if  
15 you wanted a raise, like I say, you have to have  
16 your numbers. And they give you -- I don't think  
17 that document is in here, but they give you a line  
18 of how many starts you have to have per year,  
19 annually, if you want -- if you're getting a raise.

20 It lists how many starts you need and how  
21 many enrollments and all that. There's a form. I  
22 don't know if it's in here or not, but I'm sure you  
23 must have it.

24 Q You're referring to a document?

25 A Well, it's in writing, yes. It's a

1 document.

2 Q Okay.

3 A It lists all the starts that you need to  
4 make from campus to -- to senior to master.

5 Q Okay. And it lists other things that you  
6 need to do to get a promotion as well; right?

7 A Yes, which are some of the documents you  
8 gave me.

9 Q Like meeting minimum standards of  
10 performance?

11 A Yeah, that's all I know. I don't know  
12 about any other documents.

13 Q Okay. And getting a certain score on your  
14 performance evaluation; right?

15 A No, I don't know about any other documents  
16 other than what we have here.

17 Q Okay. Are you aware, other than what  
18 we've already talked about, of discussions among  
19 anyone at Corinthian about how to evaluate the  
20 performance of admissions representatives?

21 A No.

22 Q Okay. And again, other than what we've  
23 already talked about, are you aware of discussions  
24 among anyone at Corinthian about how directors of  
25 admissions would be compensated?

1 A No, other than conversations I would have  
2 with Cary Kaplan.

3 Q Okay.

4 A He is a -- he was a director. He would  
5 say, "Well, if you have X amount of numbers, I'll  
6 get so much," you know. He got paid on his -- his  
7 numbers.

8 Q Okay.

9 A He would get paid, you know, and get  
10 compensated if the admissions department made a  
11 certain amount of enrollments and starts and  
12 numbers. It's all about numbers.

13 Q Okay.

14 A Then he would get -- if he was at a  
15 certain bracket, he would get a raise.

16 Q And Mr. Kaplan was your director of  
17 admissions up until 2004; correct?

18 A Yeah, when I was working at Bryman.

19 Q Okay. You didn't work with him after  
20 2004; is that right?

21 A No, I did not. No, I did not.

22 Q And your only knowledge of how directors  
23 of admissions were compensated other than your own  
24 experience as a director of admissions was what you  
25 heard secondhand from Mr. Kaplan; is that right?

1 A Yes.

2 MR. LEVY: Objection; form. She heard it  
3 firsthand from Mr. Kaplan.

4 THE WITNESS: That's what you said; right?  
5 BY MS. YOUNG:

6 Q Well, you heard it secondhand from  
7 Mr. Kaplan?

8 A Yeah, well, firsthand, just like I'm  
9 talking to you. I would have -- he would have a  
10 conversation with me, that's firsthand; right?

11 Q Okay. But you had a conversation with  
12 Mr. Kaplan and your only knowledge about how  
13 directors of admissions were compensated other than  
14 when you were a director of admissions is based on  
15 what Mr. Kaplan told you; right?

16 A That's true.

17 Q Okay. Can you identify by name any  
18 admissions representative for Corinthian who got a  
19 salary increase or a promotion after January 1st,  
20 2005?

21 A No.

22 Q Can you identify by name any director of  
23 admissions for the school who got a salary increase  
24 or a bonus after January 1st, 2005?

25 A I never saw any of those people when I

1 left, or talked to them. So I couldn't -- I can't  
2 identify anybody like that.

3 Q Okay. So you -- you can't identify any  
4 admissions representative who worked for Corinthian  
5 after you were terminated in May of 2005?

6 A No.

7 Q You can't identify any director of  
8 admissions who worked for the school after you were  
9 terminated in May of 2005; is that right?

10 A Well, I think Cary is working somewhere.  
11 I don't know. I haven't talked to him. I heard  
12 through the grapevine he was working at Heald.

13 Q But you don't have direct knowledge of --

14 A No, I don't. I haven't been to Heald and  
15 I haven't gone into his office and sat down and  
16 said, "How are you doing, Cary?" I haven't done  
17 that, no. I haven't seen him.

18 Q You don't have direct knowledge of the  
19 name of any director of admissions who was working  
20 at Corinthian after you were terminated in May of  
21 2005?

22 A No.

23 Q And can you name a school president who  
24 held that position after May of 2005?

25 A I don't know the name of the lady that

1 took over for Mr. Plant. I don't know her name.

2 Q Okay. Can you name --

3 A I don't need to know that.

4 Q Can you name any regional director who  
5 held that position after May of 2005?

6 A I don't know any of those people and I  
7 don't know their names, no.

8 Q Okay. And have we discussed all the job  
9 responsibilities that you had at Corinthian during  
10 the time periods you worked for Corinthian?

11 A All the ones that were listed on here. I  
12 didn't have any other job responsibilities for  
13 Corinthian other than what was listed in here.

14 Q And -- and you've described for me all the  
15 responsibilities that you had in the various  
16 positions you held during your tenure at Corinthian;  
17 is that right?

18 A Yes, I -- yes, I did.

19 Q Okay. So you had no involvement in  
20 designing compensation programs for admissions  
21 representatives; is that correct?

22 A Designing? What are you saying?

23 Q Did you help put together the compensation  
24 program that governed how admissions representatives  
25 would be paid?

1 A No, I wasn't hired to do that.

2 Q Okay. So you didn't participate --  
3 participate in any discussions about how to design  
4 the written program for admissions representatives?

5 A No, I didn't do any curriculum design or  
6 any of that.

7 Q Okay.

8 A I was an admissions rep and that's what I  
9 did when I worked for Bryman. I didn't do any  
10 designing for them.

11 Q Okay. And that includes --

12 A I did that for myself.

13 Q Uh-huh. And so you didn't play any role  
14 in developing the written materials that were part  
15 of the --

16 A No.

17 Q -- compensation programs for admissions  
18 representatives?

19 A No, I did not. Corporate did all that.

20 Q And you have no knowledge, I take it,  
21 about how that compensation program was designed; is  
22 that right?

23 A No. No, I do not. All I did was read it  
24 when they gave it to me.

25 Q Okay. Do you know who designed the

1 compensation program for admissions representatives?

2 A I should ask you that or somebody working  
3 here. I don't know.

4 Q You don't know?

5 A Huh-uh.

6 Q And you don't know what factors they took  
7 into account --

8 A No.

9 Q -- to design the compensation program?

10 A No, I could find something that they might  
11 want to take part in, though, but I didn't know  
12 anything like that.

13 Q Okay. And you don't know what their  
14 intent was in designing the written compensation  
15 program?

16 A No, I didn't work with that team. That  
17 was all done through corporate.

18 Q And we looked earlier at some performance  
19 evaluation forms. Did you have any involvement in  
20 designing what the performance evaluation forms  
21 would look like?

22 A No.

23 Q Okay. Do you know how they were  
24 developed?

25 A Corporate. It's like I say, I've got that



1 stuff from corporate and that's it. I don't know  
2 anything about it.

3 Q You don't know what factors --

4 A No.

5 Q -- were taken into account in figuring out  
6 how to design that form, do you?

7 A No.

8 Q You don't know what the intent was --

9 A No, I don't.

10 Q -- in designing the performance evaluation  
11 form, do you?

12 A No.

13 Q And did you participate in any discussions  
14 about how the performance of admissions  
15 representatives should be evaluated?

16 A No, I did not.

17 Q I take it you also had no involvement in  
18 designing the compensation or bonus programs for  
19 directors of admission?

20 A No, I did not.

21 Q Okay. And you didn't participate in any  
22 discussion about how to design those programs?

23 A No, I did not.

24 Q You didn't develop any of the written  
25 materials for those programs?

1 A No, I did not.

2 Q You don't know what factors were  
3 considered in designing those programs?

4 A No, I did not. The only thing I did was  
5 this sheet when I was a director, design a plan for  
6 the -- for the admissions team to get their numbers.

7 Q Okay. And by that --

8 A That was my job.

9 Q By that you were referring to that "Week  
10 Four" agenda we looked at earlier?

11 A Yeah. Yes, that's the only thing.

12 Q Okay. And that's not --

13 A I wouldn't say that I designed it. I just  
14 wrote it up how it was given to me when I was in  
15 admissions for them.

16 Q Okay. So you don't know what the intent  
17 was in designing the overall bonus program that  
18 applied to directors of admissions; is that right?

19 A No. I didn't delve off into that area.

20 Q Okay.

21 A That wasn't my job.

22 Q Am I correct that the only  
23 management-level position you held was for that  
24 roughly two-month time period --

25 A That's it.

1 Q -- where you were a director of admissions  
2 at Hayward?

3 A Yes, that's the only one.

4 Q Okay. Did you ever personally participate  
5 in meetings involving school executives?

6 A Yes, I did.

7 Q Okay. How often did you participate in  
8 meetings like that?

9 A I'm not sure how many times corporate came  
10 down to the school, but they would always have  
11 admissions meetings and bring all the admissions  
12 teams in. And the corporate people would help them  
13 write the scripts, change the scripts. I guess they  
14 designed them, too. I don't know.

15 But they would tell us -- give us  
16 information on how to change the scripts. If the  
17 enrollments weren't up or if the enrollments were  
18 down, they would tell us how to change the scripts.

19 Q And by "scripts," you mean what you use to  
20 communicate with potential students?

21 A That's what I mean.

22 Q Okay. And was anything else discussed  
23 during those meetings?

24 A No, that was basically it. They would  
25 come up and have those meetings and fire us up.

1 Q So it was to get you sort of --

2 A That's what they used, the words "fire us  
3 up."

4 Q -- get you excited about your job?

5 A Uh-huh, uh-huh.

6 Q And to work on the script that you would  
7 use when communicating with students?

8 A Yeah, and how to change it and stuff like  
9 that.

10 Q Okay. And that was the extent of  
11 discussions that you had with corporate executives  
12 about admissions?

13 A Yeah, I would be in a meeting with a bunch  
14 of people. I wouldn't have a direct conversation  
15 with them.

16 Q Okay. Were you ever personally in a  
17 position to observe a meeting between school  
18 executives other than the ones that you participated  
19 in yourself?

20 A Like what? You mean like -- give me an  
21 example of what you're talking about.

22 Q Well, if you attended a meeting where  
23 other executives were talking to each other --

24 A No.

25 Q -- other than the meetings you just

1 described?

2 A Huh-uh, no.

3 Q David Moore is one of the defendants in  
4 this case. Do you know who he is?

5 A He was at the University of Phoenix,  
6 wasn't he?

7 Q I'm just asking if you know who he is.

8 A Oh, I'm trying to figure out if I do. I  
9 think he was at the University of Phoenix. I'm not  
10 sure.

11 Q He's not somebody you know personally?

12 A No.

13 Q You don't even know if he worked for  
14 Corinthian?

15 A Well, I saw -- I don't know where he's  
16 working now, but I saw the corporate page. And I  
17 think he got transferred over here from the  
18 University of Phoenix. I don't know. That's a  
19 question you have to ask David Moore because I don't  
20 know the answer to that.

21 Q Okay. You've never met him in person?

22 A I might have seen him on the Web page, but  
23 I have never met him in person.

24 Q And you never communicated with  
25 David Moore; is that right?

1 A Not like I'm communicating with you.

2 Q I'm asking if you've ever communicated --

3 A No, I haven't.

4 Q -- with David Moore?

5 A No.

6 Q And have you ever been in a meeting in  
7 which he was present?

8 A Oh, I think he might have spoken at some  
9 of those University of Phoenix meetings. I'm not  
10 sure.

11 Q Okay. You don't recall a meeting --

12 A No.

13 Q -- at -- at Corinthian --

14 A I had no meetings with David Moore.

15 Q Okay. And you don't recall him speaking  
16 at any meeting at Corinthian; is that correct?

17 A No.

18 Q Is that correct?

19 A That's correct.

20 Q Another one of the defendants is someone  
21 named Jack Massimino. Do you know who that is?

22 A I think he was with the University of  
23 Phoenix. I can't remember the names.

24 Q Okay.

25 A But he might have been with the University

1 of Phoenix.

2 Q Okay. You've never --

3 A I think he was the president over there or  
4 something. I'm not sure.

5 Q And you never met him in person?

6 A I can't remember meeting him in person.

7 Q Okay. And I take it you don't recall  
8 communicating with him?

9 A No.

10 Q Do you know what a "program participation  
11 agreement" is?

12 A No. What is that?

13 Q I'm just asking whether you know what it  
14 is.

15 A No, I don't.

16 Q Never heard of it before?

17 A Program participation?

18 Q A program participation agreement.

19 A Okay. No.

20 Q Is today the first day you've heard that  
21 word?

22 A As far as I know in relationship to  
23 Corinthian.

24 Q Have you ever heard of a program  
25 participation agreement in relation to anything

1 else?

2 A No.

3 Q Okay. Have you ever seen any agreements  
4 that Corinthian has with the government, the U.S.  
5 government?

6 A Like what?

7 Q Any agreements of any kind. Have you ever  
8 seen any agreements that Corinthian has with the  
9 government?

10 A Not that I know of, no. I would have to  
11 say no to that.

12 Q Uh-huh. Are you aware that -- whether or  
13 not Corinthian --

14 A It says right here on this one, "comply  
15 with government regulations." Are you talking about  
16 that kind of --

17 Q No, I'm just -- I'm not asking you  
18 questions about anything that's in a document. I  
19 just want to know what you know sitting here today.

20 A I don't know anything about that, what  
21 you're asking me.

22 Q Okay. So -- so you don't know whether or  
23 not Corinthian has any agreements with the  
24 government; is that right?

25 A No, I don't know for sure. They probably



1 do, though.

2 Q Okay. But you don't know one way or  
3 another?

4 A No, I wouldn't even need to know that.

5 Q Okay. I want to ask you about financial  
6 aid. And by that I mean any federal government or  
7 state government assistance that's given to a  
8 student to help finance their education. So that  
9 could be a grant, it could be a loan.

10 As an employee of Corinthian, did you have  
11 any responsibility for helping students submit  
12 financial aid applications?

13 A I didn't work in financial aid, I worked  
14 in admissions.

15 Q Okay.

16 A That's what I did. I didn't mess around  
17 with financial aid.

18 Q Okay. Have you ever prepared a financial  
19 aid application for a Corinthian student?

20 A No, I have not.

21 Q Have you ever submitted a financial aid  
22 application for a Corinthian student?

23 A No.

24 Q Have you ever communicated with the  
25 federal government on behalf of Corinthian?

1 A No.

2 Q Did you ever see or hear any  
3 communications between a representative of  
4 Corinthian and the government?

5 A No.

6 Q Did you ever submit any claim for payment  
7 to the federal government on behalf of Corinthian?

8 A No.

9 Q Did you ever see any claim for payment to  
10 the federal government that was made by Corinthian?

11 A No.

12 Q Is the same true for state governments as  
13 well?

14 A I didn't delve off into that area. That's  
15 true.

16 Q You never communicated with state  
17 governments?

18 A No, except for myself and as a student I  
19 did that for myself.

20 Q But on behalf of --

21 A It wasn't with Corinthian. So...

22 Q On behalf of Corinthian --

23 A No, I didn't.

24 Q -- you never communicated with a state  
25 government?

1 And you never submitted a claim for  
2 payment to any state government on behalf of  
3 Corinthian?

4 A No, I did not.

5 Q You never saw a claim for payment --

6 A No, I haven't.

7 Q -- to a state government on behalf of  
8 Corinthian?

9 And you never saw or heard any  
10 communications between any representative of the  
11 school and any state government; is that right?

12 A No.

13 Q I'm correct?

14 A That's correct.

15 Q Okay. Just a few more questions here.

16 A Uh-huh.

17 Q When you were recruiting students as an  
18 admissions representative for the school, did you  
19 ever lie to them?

20 A No.

21 Q Did you ever mislead them?

22 A No.

23 Q You were honest with them; right?

24 A Yes.

25 Q And you did your best to provide

1 prospective students with accurate information?

2 A Yes, I did.

3 Q What was the pitch that you would give  
4 prospective students who you were trying to recruit  
5 to Corinthian?

6 A The pitch?

7 Q Well, what would you -- well, what would  
8 you tell them when you were trying to recruit them  
9 to the school?

10 A I told them all kinds of things, you know.  
11 I can't remember what I told them. I followed the  
12 script that Corinthians gave me.

13 Q Okay.

14 A That's what I did.

15 Q And you believed that what you were  
16 telling those students or prospective students was  
17 true; is that right?

18 A That's right because I wouldn't be telling  
19 them a lie.

20 Q When you were a director of admissions,  
21 did you ever tell the admissions representatives  
22 that you supervised to mislead students in any way  
23 that they were trying to recruit?

24 A That I what?

25 Q When you were a director of admissions,

1 did you ever tell the admissions representatives  
2 that you were responsible for supervising to mislead  
3 prospective students that they were trying to  
4 recruit to the school?

5 A No.

6 Q Okay. And did you personally comply with  
7 the school's policies and procedures at the time  
8 that you were employed at the school?

9 A Yes, I did.

10 Q You never purposely violated any of those  
11 procedures?

12 A No.

13 Q And you did your best to follow the  
14 policies and the procedures of the school?

15 A Yes, I did.

16 Q Did you ever tell any other employees of  
17 the school that they should violate the school's  
18 written policies and procedures?

19 A No, I did not.

20 Q Were you ever told that you should violate  
21 the school's written policies and procedures?

22 A Regarding enrollments, no, I -- no one  
23 told me to do that.

24 Q Okay. And are you aware of any legal or  
25 regulatory requirements that relate to recruiting or

1 the compensation of recruiters?

2 A Repeat that, please.

3 Q Are you aware of any legal or regulatory  
4 requirements that relate to recruiting or  
5 compensating recruiters?

6 A No.

7 Q Have you ever heard of the Higher  
8 Education Act?

9 A Yes, I have.

10 Q Okay. When -- what is your understanding  
11 of the Higher Education Act?

12 A I don't know. I can't tell you right now.

13 Q When was the first time you heard of the  
14 Higher --

15 A I don't want to make an error in telling  
16 you that. So I don't want to tell you that.

17 Q Okay.

18 A It's not in my brain right now.

19 Q Okay. When was the first time you heard  
20 of the Higher Education Act?

21 A Well, I heard about it when I was at  
22 Bryman. I think it has something to do with  
23 financial aid.

24 Q Okay. Have you ever heard of a provision  
25 in the Higher Education Act that prohibits schools

1 from paying incentive compensation to people who are  
2 involved in recruiting activities?

3 A I read something about that.

4 Q Okay. Where did you read something about  
5 that?

6 A I probably read it online.

7 Q Okay. When was the first time you heard  
8 about that?

9 A Since I've been away from Corinthians,  
10 since I got fired.

11 Q Okay. So the first you heard of the  
12 provision I just described was after you were  
13 terminated from Corinthian?

14 A I probably heard about it when I was  
15 working there, but I was focused on something else.

16 Q Okay.

17 A I couldn't like outline everything that's  
18 in there for you right now if you asked me to. I  
19 couldn't do that, so I'm not going to tell you that  
20 I can.

21 Q Okay. And you became aware of this  
22 prohibition against paying incentive compensation to  
23 people involved in recruiting by doing Internet  
24 research?

25 A Can you repeat that, please.

1 Q I'm just trying to understand how you  
2 became aware of the provision in the Higher  
3 Education Act I described.

4 A Well, I became aware of it since I've been  
5 working on this case with you.

6 Q Okay. Before working on putting together  
7 this case, were you aware that there was a  
8 prohibition in the Higher Education Act against  
9 paying incentive compensation to employees involved  
10 in recruiting?

11 A No, no. Well, they didn't tell me that  
12 when I got hired at Corinthians, no.

13 Q Okay. So the first time you became aware  
14 of the provision in the Higher Education Act that  
15 prohibits the payment of incentive compensation to  
16 people involved in recruiting was when you started  
17 to put together this lawsuit; is that right?

18 A I didn't put this lawsuit together. I'm  
19 just involved in it. But I heard of it then, yes.

20 Q When you became involved in the lawsuit?

21 A Yes.

22 Q Okay. Who put this lawsuit together?

23 A This is my lawyer, Scott Levy.

24 Q Okay. Just a few more questions here and  
25 then we can break for lunch.



1 How did Mr. Levy become your lawyer?

2 A How did he become my lawyer?

3 Q Right.

4 MR. LEVY: Are you asking for attorney-client  
5 communications?

6 MS. YOUNG: No.

7 MR. LEVY: Because it sounds like you're --  
8 you're getting close to asking that.

9 MS. YOUNG: I am not asking for that.

10 Q I want to know how it came to be that  
11 Mr. Levy is your lawyer, given that he's in Houston  
12 and you're in the Bay Area.

13 A He was recommended to me and I was -- and  
14 I met him.

15 Q Okay. Who recommended Mr. Levy to you?

16 THE WITNESS: What's that person's name, Scott?  
17 I don't really need to answer that, do I?

18 BY MS. YOUNG:

19 Q You do. It's not privileged.

20 A I do. Well, I don't know the person's  
21 name because I'm not -- I met that person one time  
22 and I haven't seen that person in several years, so  
23 I can't even remember the name.

24 Q How did you meet this person?

25 A I met that person having dinner one time.

1 Q Male or female person?

2 A She was a female.

3 Q What was the subject of your dinner  
4 conversation?

5 A I can't remember that. How good the  
6 potatoes were. I don't know.

7 Q Why did you have dinner with her?

8 A Well, she invited me.

9 Q So this is a person you've never met  
10 before in your life and she invites you to dinner.  
11 Did she say why?

12 A She wanted to get to know me.

13 Q Did she -- I mean, if I got a call like  
14 that, I would want to know why. Did you ask her why  
15 she wanted to get to know you?

16 A No, I didn't. I just went to dinner. I  
17 had dinner with her.

18 Q What did you discuss during that dinner?

19 A Well, I can't remember. It's been a  
20 while. I can't remember everything I discussed with  
21 her.

22 Q Can you remember in general what you  
23 talked about?

24 A Yes, I do. Admissions.

25 Q Can you be more specific?

1 A Just stuff about admissions, her job or  
2 whatever.

3 Q Was this person an admissions  
4 representative at Corinthian?

5 A Maybe. I'm not sure. I didn't ask her  
6 whether she was in admissions. I didn't ask.

7 Q How did it come to be that she gave you a  
8 reference to Mr. Levy?

9 A I think she might have worked with him  
10 before. I'm not sure.

11 Q Was that what she told you?

12 A She didn't tell me that because I didn't  
13 ask her that because I don't get in people's  
14 business. I didn't ask her.

15 Q So you said she contacted you. Do you  
16 know how she got your information?

17 A No, I don't.

18 Q When did she contact you?

19 A I'm not sure of the date.

20 Q So this lawsuit was filed in 2007 -- I'm  
21 sorry. We have a -- we have a communication that we  
22 know happened between you and Mr. Levy on  
23 October 7th, 2006.

24 A Uh-huh.

25 Q Did this woman contact you around that

1 Q Was the purpose of the meeting to talk  
2 about anything?

3 A Not necessarily.

4 Q So who contacted you to set up the  
5 meeting?

6 A Who contacted me to set it up?

7 Q Correct.

8 A The meeting was already set up when I got  
9 there.

10 Q How did the meeting get set up?

11 A I'm not sure because I didn't set it up.

12 Q Who set up the meeting?

13 A I'm not sure. I didn't set it up.

14 Q How did you know to go to the  
15 restaurant -- you were at a restaurant for this  
16 dinner meeting?

17 A I was at a restaurant, yes.

18 Q How did you know to go to the restaurant  
19 for the meeting? Did somebody call you and say that  
20 a meeting was going to happen?

21 A Someone called me.

22 Q Who told you?

23 A Talala called me.

24 Q And what did he say to you?

25 A And I didn't know what was happening until

1 I got there. I didn't know what the meeting was all  
2 about and I just had dinner and left.

3 Q What did Talala say to you when he called  
4 you about this meeting?

5 A What did he say to me?

6 Q Uh-huh.

7 A This has been a while. I can't tell you  
8 exactly what he said to me. He asked -- told me he  
9 was having dinner and to come over. So I went over  
10 there to the restaurant.

11 Q Okay. Who paid for dinner?

12 A Who paid?

13 Q Uh-huh.

14 A I don't know. Probably one of those  
15 people that was with me. I didn't pay. I'm not  
16 sure who paid because I didn't -- I wasn't paying  
17 that close of attention who paid, but I didn't pay.

18 Q So was there any discussion at this dinner  
19 meeting about bringing a lawsuit against Corinthian?

20 A Repeat that.

21 Q Was there any discussion at this dinner  
22 meeting about bringing a lawsuit against Corinthian?

23 A It could have been. I'm not sure.

24 Q Had you thought about bringing a lawsuit  
25 against Corinthian before that dinner meeting?

1 A No, I hadn't. I didn't know anything  
2 about a lawsuit with Corinthians.

3 Q Had you ever thought that Corinthian might  
4 have been defrauding the government before that  
5 dinner meeting?

6 A In terms of defrauding them?

7 Q You're bringing a claim for fraud in this  
8 lawsuit. Do you understand that?

9 A Yes, I do.

10 Q Okay.

11 A But you have to be specific when you ask  
12 me a question.

13 Q Did you --

14 A Defrauding them in terms of?

15 Q It's a broad question. Did you believe  
16 that --

17 MR. LEVY: It's 1:00 o'clock, too, so make this  
18 your last one.

19 MS. YOUNG: Well, I'm going to wrap up this  
20 line of questioning.

21 Q Before you had this dinner meeting --

22 A Uh-huh.

23 Q -- did you believe that Corinthian had  
24 engaged in any fraud against the government?

25 A No. I would have to say no to that.

1 Q And before attending this meeting, did you  
2 believe that Corinthian had done anything improper  
3 in the way it compensated admissions  
4 representatives?

5 A No.

6 MS. YOUNG: Okay. That's all I have. Let's  
7 break for lunch.

8 THE VIDEOGRAPHER: The video deposition is now  
9 going off record at 1:02 p.m.

10 (A recess was taken from 1:02 p.m. to  
11 2:32 p.m.)

12 THE VIDEOGRAPHER: The video deposition is now  
13 returning to record at 2:32 p.m.

14 BY MS. YOUNG:

15 Q Okay. Ms. Lee, we're returning after a  
16 lunch break and you understand that you are still  
17 under oath?

18 A Yes, I do.

19 Q Okay. And is there anything that you  
20 would like to amend in terms of your testimony  
21 earlier today?

22 A Not that I know of at this moment.

23 Q Okay. Before the break we were talking  
24 about a dinner that you attended with Mr. Levy and  
25 Mr. and Mrs. Mshuja.

1 Am I saying that correctly, by the way,  
2 Talala --

3 A Ask him. It's his name.

4 Q Unfortunately, the only person that I'm  
5 supposed to be asking questions of is you. And  
6 so --

7 A Okay.

8 Q How do you pronounce his name?

9 A Mshuja.

10 Q Mshuja?

11 A Mshuja.

12 Q Mshuja. Okay.

13 So we were talking about this dinner that  
14 you attended with Mr. Mshuja -- Mshuja and Mr. Levy  
15 and Mr. Labaton and another woman.

16 A Uh-huh. Yes.

17 Q Do you have that in mind?

18 A Uh-huh.

19 Q And you say that Mr. Mshuja called you  
20 about the dinner to tell you to come to it?

21 A Yes, he did.

22 Q Okay. What is your relationship with  
23 Mr. Mshuja?

24 A What's my relationship? I worked with him  
25 at Corinthians.



1 Q Okay. Do you have any familial  
2 relationship with him?

3 A Do I have what?

4 Q Any familial relationship with him? Is he  
5 part of your family?

6 A He's my brother.

7 Q Okay. And you also worked with him at  
8 Corinthian?

9 A Yes, I did.

10 Q In what way did you work with him at  
11 Corinthian?

12 A Well, he worked there the same time I did.  
13 I didn't work in the same -- you know, I didn't work  
14 with him, but he worked there when I was working  
15 there.

16 Q Okay. Okay. And what did Mr. Mshuja do  
17 at Corinthian?

18 A He was at one time the test proctor.

19 Q You said "at one time." During what time  
20 period was he a test proctor for Corinthian?

21 A I'm not sure because I took care of my  
22 business and that's it. I'm not sure of the dates  
23 on that. So you can't ask me that. I'm sorry.

24 Q Okay. He overlapped with you a little bit  
25 at Corinthian?

1 A Well, he was the proctor when I was in  
2 admissions.

3 Q So at the same time that you were in  
4 admissions, he was employed as a test proctor; is  
5 that correct?

6 A Yes.

7 Q Do you know if he worked for Corinthian  
8 after you stopped your employment there?

9 A I wish you could ask him those questions  
10 because I don't get in people's business, but I was  
11 there and I left and I was gone. So I don't know  
12 what he did. You'd have to ask him these questions.

13 Q Okay.

14 A Okay. If you don't mind.

15 Q We will have an opportunity to do that  
16 tomorrow.

17 A Okay. Okay.

18 Q But we are entitled to what you know  
19 today. So if you --

20 A About him?

21 Q Correct.

22 Are you aware of him continuing to work  
23 for Corinthian after you left your employment there  
24 in 2005?

25 A Okay. I think he left before I did. I'm

1 not sure.

2 Q Okay. And are you aware of him having any  
3 position at Corinthian other than as a test proctor?

4 A No, I'm not.

5 Q How frequently would you communicate with  
6 him about or -- strike that.

7 Did you communicate with Mr. Mshuja about  
8 your work for Corinthian?

9 A No.

10 Q Are you aware of anybody else who  
11 communicated with Mr. Mshuja about their work at  
12 Corinthian?

13 A No.

14 Q Did you ever see him visit anyone in  
15 admissions -- the admissions department at  
16 Corinthian?

17 A Visit?

18 Q Correct.

19 A Well, I mean, he had to walk around the  
20 admissions department and give everybody their test  
21 scores. And he gave me mine when I had schooling  
22 and got tested, but I wasn't like trying to figure  
23 out where he was. I wasn't doing that.

24 Q Okay.

25 A Uh-huh.

1 A Not that I know of.

2 Q Okay. So when Mr. Mshuja called you about  
3 this dinner, did you ask him who would be at this  
4 dinner?

5 A No, I did not.

6 Q Did he tell you who would be at this  
7 dinner?

8 A No.

9 Q Did you ask him why --

10 A I didn't ask any questions. I'm not a  
11 question asker.

12 Q Okay. What did he tell you about the  
13 dinner when he called you?

14 A He said, "I want you to come over and meet  
15 me for dinner" and I did.

16 Q That was all he told you about it?

17 A That's what he told me and that's what I  
18 did.

19 Q Okay. And then you went to the dinner.  
20 We talked about who was there.

21 And at that point were you introduced to  
22 Mr. Levy?

23 A Yes, I was.

24 Q And what -- how were you introduced to  
25 him?

1 A Like you introduce somebody. "This is  
2 Scott Levy" and "I'm Nyoka." I introduced myself to  
3 him.

4 Q Did he tell you at that time that he was a  
5 lawyer?

6 A Probably. I'm sure he did. I can't  
7 remember.

8 Q Did you understand that you were meeting  
9 with a lawyer at that dinner?

10 A Well, after I got there I did, but I  
11 didn't know that before I got there.

12 Q Okay. And what about Mr. Labaton, was he  
13 introduced to you as a lawyer?

14 A Yes, he was.

15 Q Were you told anything about why lawyers  
16 were at this dinner?

17 A I didn't ask, I just had dinner.

18 Q Okay. That wasn't my question.

19 I was asking were you told anything about  
20 why lawyers were at this dinner?

21 A Told like -- I was told who they were,  
22 introduced to them, and then there was a  
23 conversation going on that I was involved in because  
24 I was there, you know, and I was listening.

25 Q And the conversation, did it discuss

1 bringing a legal action or a lawsuit against  
2 Corinthian?

3 A I can't remember now at that time.

4 Q Did it discuss any potential wrongdoing  
5 that might have been going on at Corinthian? Was  
6 that a subject of discussion at this dinner?

7 A No. Because I didn't see this person for  
8 a few years until yesterday.

9 Q So after the dinner that took place that  
10 we've just been discussing, you haven't seen  
11 Mr. Levy until yesterday?

12 A Yeah, I didn't see him for years.

13 Q Okay. At the dinner, was there any  
14 discussion about how you might benefit from bringing  
15 a lawsuit against Corinthian?

16 A No.

17 Q Do you have an understanding of whether --  
18 what you might stand to gain by bringing a lawsuit  
19 against Corinthian?

20 A Do I have an understanding of what  
21 might -- what I might be able to gain? Not at this  
22 moment.

23 Q Okay. Did you have an understanding after  
24 you went to that dinner about what you might have to  
25 -- might stand to gain from bringing a lawsuit

1 against Corinthian?

2 A Gain in terms of? You have to be specific  
3 when you talk to me.

4 Q An award of money as a result of a  
5 lawsuit?

6 A No, I didn't have an understanding of any  
7 kind of money at that point.

8 Q That wasn't a subject that you discussed  
9 at the dinner?

10 A No.

11 Q Did you bring any documents with you to  
12 the dinner?

13 A No, I did not. I brought my bag and my  
14 body. That's it.

15 Q And did you get any documents at the  
16 dinner?

17 A No, I did not.

18 Q Were you shown any documents at the  
19 dinner?

20 A No.

21 Q At some point did you sign an agreement to  
22 retain Mr. Levy as your lawyer?

23 A Yes, I did.

24 Q Do you recall when you did that?

25 A No, I don't.

1 Q Let me show you a document that may help  
2 refresh your memory on that.

3 A I don't know dates like that on that.

4 MS. YOUNG: We're going to mark this as  
5 Exhibit 13.

6 MR. LEVY: 15.

7 MS. YOUNG: Exhibit 15. That's right. I'm  
8 sorry.

9 (Defendants' Exhibit 15 was marked  
10 for identification by the deposition officer and is  
11 bound under separate cover.)

12 BY MS. YOUNG:

13 Q So this is a privilege log that was  
14 provided to us by your attorney recently.

15 A Uh-huh.

16 Q And if you could turn to the second page  
17 of this document.

18 A Okay.

19 Q There are various entries in this log that  
20 are listed by date. The first column is labeled  
21 "Date." And I'm looking at an entry which is the  
22 second-to-last one from the bottom of page 2 --

23 A I see that.

24 Q -- dated October 10th, 2006. And it's  
25 described as a "Retainer Agree" letter, authored by



1 Mark Labaton and received by Nyoka Lee, Talala  
2 Mshuja, Susan Newman and John Chacon.

3 Do you see that?

4 A I see this right where it is.

5 Q Is that the retainer agreement that you  
6 signed?

7 A Well, it could have been. I'm not sure  
8 because that's the first time I've seen this  
9 document.

10 Q Okay.

11 A It says it right here, but I haven't seen  
12 this document.

13 Q Okay. And I think you said earlier that  
14 you don't know who Susan Newman and John Chacon are?

15 A I don't know those people and I didn't  
16 know them when I showed up. I don't know those  
17 people now. I see their names on this piece of  
18 paper, but I don't know them.

19 Q Okay. And you personally have never  
20 communicated with Susan Newman or John Chacon to  
21 your knowledge?

22 A I don't know those people.

23 MR. LEVY: Other than at the dinner; correct?

24 MS. YOUNG: Well, I believe the testimony is  
25 she doesn't recall the names of the people who were

1 at the dinner.

2 Q Do you want to change that?

3 MR. LEVY: I -- I don't recall that being the  
4 testimony, but --

5 MS. YOUNG: Well, let me ask the question so  
6 the record is clear.

7 THE WITNESS: Yes. Like I said, when I showed  
8 up, I didn't know either of those individuals.

9 BY MS. YOUNG:

10 Q Okay. Did --

11 A And I don't know them now. I don't know  
12 where they are. I don't talk to them. I mean, what  
13 do you consider "know them"? I don't talk to them.

14 Q Have you ever met any of these people,  
15 Susan Newman or John Chacon, ever?

16 A They were at the dinner.

17 Q They were both at the dinner?

18 A Yeah.

19 Q Okay.

20 A But I didn't really engage in a  
21 conversation with them even at the dinner.

22 Q Okay.

23 A I wasn't like, "Hey, how are you doing?"  
24 I didn't do that.

25 Q Okay. How --

1 A They were just there and I was there.

2 Q You said that a woman who attended the  
3 dinner recommended that you hire Mr. Levy as your  
4 lawyer?

5 A I didn't say that. No, I didn't say that.

6 Q You didn't say that?

7 A No, nobody recommended me to do that.

8 Q Why did you hire Mr. Levy as your counsel?

9 A Because he was interested in working with  
10 me. Okay.

11 Q Did --

12 A So I was interested in what he had to say  
13 and that's how he -- that's how we came together.

14 Q Did he tell you why he was interested in  
15 working with you?

16 A Yes, of course.

17 Q Why was that?

18 A Because he felt at that particular time  
19 that Corinthian Colleges was involved in some  
20 default or whatever, and that he wanted to defend  
21 this case right now while we're sitting here.

22 Q Okay. Prior to that time, the idea that  
23 Corinthian was in default of something was not an  
24 idea that had occurred to you; is that right?

25 A Well, I saw some malpractices when I was

1 else about what happens if --

2 A Not at this time. I don't.

3 Q Please let me finish my question.

4 Do you have an agreement with anybody else  
5 about what happens if you win an award in this case?

6 A I don't have an agreement.

7 Q Do you have an understanding with  
8 Mr. Mshuja about what happens if you win an award in  
9 this case?

10 A I wouldn't have an understanding with him  
11 about that, no, I don't.

12 Q Okay. Do you have an agreement with  
13 Mr. Levy or Mr. Labaton about what happens if you  
14 win an award in this case?

15 A I don't have an agreement with them.

16 Q Looking back at this document that we've  
17 marked as Exhibit 15, this privilege log.

18 A Uh-huh.

19 Q I understand that you didn't prepare it.  
20 Did you look at this document before it was --

21 A No.

22 Q -- finalized?

23 A I have never seen this document before.

24 Q Please look at an entry -- it's the third  
25 one from the top on the first page.

1 A On the right-hand side?

2 Q Well, they go from left -- the description  
3 goes from left to right. So what I'm looking at is  
4 a document dated 10/20/2006. The author is noted as  
5 Mark Labaton.

6 A Uh-huh.

7 Q The recipient is Gary Plessman, Assistant  
8 U.S. Attorney. And it's described as a letter,  
9 "Regarding: Draft complaint Re IBT."

10 Do you see that?

11 A No, I don't.

12 Q Okay. It's -- it's this one right here  
13 (indicating). I'm looking at the third entry down.

14 A I see that, "Re: Draft complaint."

15 Q Are you with me?

16 A Yeah.

17 Q Regarding the draft complaint re IBT. Do  
18 you see that?

19 A I see that, uh-huh.

20 Q Do you know what that refers to, "Draft  
21 complaint Re IBT?"

22 A No, I don't know anything about IBT.

23 Q Okay. You don't know what IBT is?

24 A Well, I know what it is, but I don't know  
25 anything about IBT. I never worked there, so...

1 Q What is IBT?

2 A International business something, I guess.  
3 International Business Technology, maybe. I don't  
4 know.

5 Q Okay.

6 A I don't work -- I didn't work for IBT, so  
7 I can't answer any questions about them.

8 Q Okay. Okay. Do you know if they're a  
9 for-profit school or --

10 A I don't know about them.

11 Q Okay.

12 A I didn't work for them.

13 Q Okay.

14 A So I can't discuss it.

15 Q Okay. Let's put this aside for now.

16 A Okay. Look how many papers I had.

17 Q You mentioned before that you felt like it  
18 was all about the numbers. I think I heard you say  
19 that many times.

20 A Yes, it was.

21 Q And I just want to try to understand what  
22 numbers you're talking about. So if you can look at  
23 Exhibit 13, what we marked as Exhibit 13.

24 In this document, if you -- this is the  
25 campus-based admissions representative minimum

1 standards of performance. If you look on page 2,  
2 under No. 18, do you see where it says, "Start the  
3 established annual minimum performance targets  
4 required of each admissive" -- "admissions  
5 representative classification as described below"?

6 A Yes, I see that.

7 Q Okay. And then it has descriptions of  
8 different titles of admissions representative. And  
9 the first one is associate campus admissions  
10 representative.

11 Do you see that?

12 A Yes, I do.

13 Q And then it says that the requirement is  
14 to "Achieve a minimum of 100 starts (net of  
15 reversals) in the four most recent company defined  
16 fiscal" -- "fiscal quarters."

17 Do you see that?

18 A Yes.

19 Q And then it goes on for campus admissions  
20 representative to say "Achieve a minimum of 120  
21 starts"?

22 A I see that.

23 Q Okay. And it goes on and it's got  
24 different numerical requirements, increasing as you  
25 go from one level to the next?

1 A Yes, I see that.

2 Q When you said it was all about the  
3 numbers, are these the numbers that you were  
4 referring to?

5 A Yes.

6 Q And these are the numbers you understood  
7 admissions representatives would have to hit or they  
8 would be terminated?

9 A Yes. And they would have to accomplish  
10 that in order to get a raise.

11 Q Okay. They would also have to hit those  
12 numbers in order to get a raise?

13 A Yeah, you got to hit them numbers.

14 Q Did you ever express a concern to anybody  
15 at Corinthian about how admissions representatives  
16 were being compensated?

17 A In terms of hitting these numbers or just  
18 in general?

19 Q In general, did you express a concern to  
20 the school about anything related to how admissions  
21 representatives were being compensated?

22 A Well, I don't -- I remember having had --  
23 having a conversation with Mr. Plant about my  
24 numbers when he was supposedly giving me my annual  
25 raise. He didn't give me my raise and he said I



1 didn't hit my numbers, and I told him that I did.

2 So we had a discussion about that.

3 And he checked with corporate because I  
4 told him he needed to check with corporate because  
5 he would discover that I had hit those numbers and  
6 he needed to give me my raise. I had a conversation  
7 with Plant about that.

8 Q And that was in what time period?

9 A I'm not sure what time period it was, but  
10 it was one time when I was getting my raise. I  
11 don't know the exact year or whatever, but one time  
12 that did happen. And I had my files on the numbers  
13 that I had hit and I presented it to him. And he  
14 had to give me my raise.

15 Q Okay. And that was before January 1st of  
16 2005; correct?

17 A Yes. Excuse me.

18 Q And you don't know what other factors  
19 Mr. Plant or anyone else might have considered in  
20 deciding whether you should get a raise?

21 A Other than those numbers, you got to hit  
22 those numbers. If you hit them, they have to give  
23 you a raise because that's what they said.

24 Q But -- but you don't know what Mr. Plant  
25 was thinking about, whether you should get a raise

1 or whether there were any other factors that should  
2 determine whether you should get a raise?

3 A I never discussed that with Plant. I  
4 didn't discuss that with him ever. The only time  
5 Mr. Plant spoke to you is when you made your  
6 numbers.

7 Q Okay. So other than this one conversation  
8 with Mr. Plant that happened sometime prior to  
9 January 1st, 2005 --

10 A Uh-huh.

11 Q -- did you ever express a concern to  
12 anybody at the school about how admissions  
13 representatives were being compensated?

14 A No, I did not.

15 Q Okay. Did you ever express concern to  
16 anybody at the school about how directors of  
17 admissions were being compensated?

18 A No, I did not.

19 Q Now, you filed a complaint in this case on  
20 March 26th, 2007; is that right?

21 A You have it.

22 Q I do. I'm just asking do you remember  
23 when the complaint was filed?

24 A Well, it depends on which one it was. I  
25 filed several complaints.

1 Q Okay.

2 A You have to tell me which one you're  
3 talking about.

4 Q I'm talking about the very first one.

5 A Oh, which one is that? What does it say?

6 Q It's the first complaint that was filed in  
7 this case. Do you recall when it was filed?

8 A No, I do not. That's why I'm asking you  
9 to refresh my memory.

10 Q Okay. Let's -- well, we can take a look  
11 at it to see if it will refresh your memory.

12 A Okay.

13 MS. YOUNG: We'll mark this as Exhibit 17.

14 THE WITNESS: Oh, you're talking about the  
15 court. I thought you were talking against the  
16 school.

17 THE REPORTER: We're on 16.

18 MS. YOUNG: Oh, are we on Exhibit 16? I'm  
19 sorry. This is Exhibit 16.

20 MR. PHADKE: Well, we numbered the last one 15.

21 MS. YOUNG: Okay.

22 (Defendants' Exhibit 16 was marked  
23 for identification by the deposition officer and is  
24 bound under separate cover.)

25 ///

1 BY MS. YOUNG:

2 Q So this is Exhibit 16.

3 Before we look at this document, have you  
4 made any informal complaints against the school?

5 A I thought you meant when I was working at  
6 the school.

7 Q Okay.

8 A You know, if something went down or  
9 somebody had a disagreement or whatever, I would  
10 document it and I thought you were talking about  
11 that.

12 Q Okay. Well, let me ask you some questions  
13 about that since you brought it up.

14 Did you make it a practice to document all  
15 the complaints that you had against the school at  
16 the time you were working there?

17 A Uh-huh. That's what you're supposed to  
18 do. Yeah, I did.

19 Q Okay. And you provided those complaints  
20 to people at the school?

21 A Yeah, to Mr. Plant or Cary or corporate or  
22 whoever.

23 Q Okay. And did any of the complaints that  
24 you documented have anything to do with how  
25 compensation was being paid to admissions

1 representatives?

2 A I don't remember that.

3 Q Okay.

4 A Nothing like that.

5 Q Have you provided us with all of the  
6 complaints that you made to the school while you  
7 were employed there?

8 A I'm not sure.

9 Q Do you still have all of the complaints?

10 A I might have. I would have to look --

11 Q Okay. Have you --

12 A -- in my records.

13 Q Have you provided all of those complaints  
14 to your lawyer?

15 A I don't know. I had some papers I gave  
16 him. I don't know if they were in there or not. As  
17 far as I can see, I provided them.

18 Q Okay. Well, we'll get back to that later.

19 Okay. So let's take a look at Exhibit 16.  
20 This is the first complaint that was filed in this  
21 lawsuit. And if you look at the top, the date is  
22 March 26, 2007.

23 Do you see that?

24 A Yes, I see that.

25 Q Okay. Have you seen this document before?

1 A I probably have. I saw a lot of  
2 documents. I can't remember every single document  
3 that I've seen.

4 Q This is the complaint in which you're  
5 bringing this lawsuit and you don't recall if you've  
6 seen it?

7 MR. LEVY: Objection; form. That's not what  
8 she said.

9 THE WITNESS: I saw a lot of documents. I've  
10 seen a lot of documents, a lot.

11 BY MS. YOUNG:

12 Q But sitting here right now, you don't  
13 recall if you've seen this or not?

14 A Like I said, one document gives you  
15 cross-eye if you're reading everything. This is --  
16 I'm sure I've seen this before. I've seen a lot of  
17 documents relating to this case.

18 Q Okay.

19 A Does that make you clear?

20 Q No, because I want to know if you've seen  
21 this document before.

22 A I'm looking at it now.

23 Q And if you -- if you can't answer the  
24 question, that's fine. If you don't know, that's  
25 okay. Just say so.

1 MR. LEVY: Objection to form.

2 THE WITNESS: Okay. Okay.

3 BY MS. YOUNG:

4 Q So this document was filed on March 26,  
5 2007.

6 A Okay.

7 Q Before that date, did you receive any  
8 information about Corinthian's compensation policies  
9 or practices from any source other than what we've  
10 already talked about?

11 A No.

12 Q And before filing this complaint in  
13 March 20 -- on March 26th of 2007, did you receive  
14 any information about any complaints or lawsuits  
15 against Corinthian?

16 A I can't remember that. There could have  
17 been something online about Corinthians. I don't  
18 remember.

19 Q Are you aware of any other complaints or  
20 lawsuits against Corinthian?

21 A I think I saw one online. Somebody was  
22 complaining of -- having a lawsuit against  
23 Corinthians, but I didn't read all of it. I wasn't  
24 trying to dig up anything like that.

25 Q Uh-huh.

1 A But I saw something regarding complaints.

2 Q Do you recall what the nature of the  
3 complaint was against the school that you found on  
4 the Internet?

5 A I'm not sure. Because every once in a  
6 while I'll log on and see what's happening in  
7 corporate or whatever, but I'm not -- after I left  
8 Corinthians, I wasn't interested in doing any of  
9 that stuff again.

10 Q Okay. Before you filed your complaint on  
11 March 26, 2007, did you receive any information  
12 about any complaints or lawsuits against other  
13 for-profit schools?

14 A I saw some stuff, some information  
15 regarding University of Phoenix and some admissions  
16 reps that filed against them.

17 Q Where did you get that information from?

18 A It was on- -- online.

19 Q When did you get that information?

20 A I'm not sure. I'm not sure to be honest  
21 with you.

22 Q It was -- it was before you filed your  
23 complaint?

24 A I'm not sure.

25 Q Okay.



1 A I'm not sure of that date. Okay.

2 Q Do you recall anything about the nature of  
3 the allegations that admissions representatives were  
4 making against these other for-profit schools?

5 A They were making the same allegations I'm  
6 making right now in terms of meeting the numbers and  
7 that sort of thing that we've been talking about  
8 here. The same type of...

9 Q And did you base your complaint in part on  
10 what you read about these other lawsuits?

11 A No, I did not.

12 Q Before you filed your complaint on  
13 March 26, 2007, other than this dinner meeting we've  
14 discussed, did you talk with any nonlawyers about  
15 your work as an admissions representative against  
16 Corinthian or about bringing a lawsuit against  
17 Corinthian?

18 A No, I did not.

19 Q Okay. Have you ever communicated with the  
20 United States government about your lawsuit?

21 A No, I have not.

22 Q Are you aware of something called a  
23 "confidential disclosure statement"?

24 A Yes.

25 Q What do you understand that to be?

1 A I understand that I was not supposed to  
2 discuss this case with anybody, period, dot, except  
3 for my lawyer, Scott Levy.

4 Q Okay. Are you aware of a document called  
5 a "confidential disclosure statement" that was  
6 provided to the United States government about your  
7 case?

8 A No, I'm not aware of that document.

9 Q Are you aware of any documents that were  
10 provided to the United States government about your  
11 case?

12 A Well, I probably have this one in my  
13 files. I have lots of documents, like I said,  
14 regarding this case.

15 Q I understand you have lots of documents.  
16 I just want to know if you know about any documents  
17 that were provided to the United States government  
18 either by you or your attorney.

19 A Well, I know that I don't know about that.

20 Q Okay.

21 A Okay. So I don't know how else I would  
22 know about anything like that.

23 Q So you don't know if your attorney  
24 provided any documents to the government before this  
25 complaint was filed?

1 A No, I don't.

2 THE VIDEOGRAPHER: Counsel, can I ask you not  
3 to twist the wire of the mic. Thank you.

4 BY MS. YOUNG:

5 Q And did your counsel collect documents  
6 from you at some point before the lawsuit was filed?

7 A I know that they collected documents from  
8 me. I don't know if it was before this date or not.  
9 I'm not sure what date it was. I did send some  
10 documents.

11 Q Okay. Was that recently or was it some  
12 years ago? Because this document is dated March of  
13 2007.

14 A It was a few years ago.

15 Q Okay. But you can't tell me sitting here  
16 today if it was before or after March 26th, 2007?

17 A No, I can't tell you that.

18 Q And did you provide those documents along  
19 with a cover letter or did you just send them to  
20 your attorney? How did you provide them to your  
21 attorney?

22 A I sent them in the mail.

23 Q What documents did you provide to your  
24 attorney?

25 A Everything that I had that might be

1 pertinent. All kinds of stuff that I had --

2 Q Okay.

3 A -- you know, when I was working at  
4 Corinthians that was in my briefcase when I left.

5 Q Is that -- is the universe of those  
6 documents what you brought with you to your  
7 deposition today?

8 A I do believe so. I think so.

9 Q Okay.

10 MR. LEVY: Do you mean Exhibit 14 or do you  
11 mean the document production we gave you last week?

12 MS. YOUNG: I mean Exhibit 14.

13 Q So Exhibit 14 -- you can take a look at  
14 it.

15 A She has my documents over there. Can I  
16 have it?

17 Q Oh, I have it. I'm sorry. Here's  
18 Exhibit 14.

19 A Oh, okay.

20 Q Is Exhibit 14 the universe of documents  
21 that you --

22 A This whole packet.

23 Q This whole packet that we marked as  
24 Exhibit 14, which you brought with you to the  
25 deposition today, is that the universe of documents

1 that you provided to your attorney some years ago?

2 A Uh-huh. When you say "universe," are you  
3 saying all of them?

4 MR. LEVY: Is that everything?

5 BY MS. YOUNG:

6 Q Is that everything?

7 MR. LEVY: She's asking if that's everything.

8 THE WITNESS: Okay. Well, she has to say what  
9 she's asking and then I'll understand her.

10 "Universe" means everything?

11 BY MS. YOUNG:

12 Q That means everything.

13 A There were some more documents other than  
14 this as far as I can tell.

15 Q That you brought --

16 A But I don't know where they are.

17 Q Okay. And you provided those documents to  
18 your attorney?

19 A Yes.

20 Q Can you describe what the documents  
21 consisted of?

22 A No, because I don't have -- my memory is  
23 not set up like that.

24 Q Okay.

25 A There are a lot of documents and I don't

1 know each one.

2 MR. LEVY: And we provided all those documents  
3 to you.

4 BY MS. YOUNG:

5 Q Do you know if the government received a  
6 copy of this complaint, Exhibit 16, before it was  
7 filed on March 26, 2007?

8 A How would I know that? I don't know that.

9 Q Okay. Did you help draft the document  
10 that we marked as Exhibit 16?

11 A No, I did not.

12 Q And you've seen it before, I think you  
13 said -- well, I'm not sure that you -- strike that.

14 Did you review the document before it was  
15 filed on March 26, 2007?

16 A I can't remember.

17 Q Okay. Exhibit 16 has an Exhibit A  
18 attached to it. It's toward the back of the  
19 document.

20 A Okay.

21 Q You see this page marked as "Exhibit A"  
22 toward the back?

23 A Okay. Hold on.

24 Yes, I see that.

25 Q Okay. For the record, Exhibit A, page 1,

1 the heading says, "Corinthian Schools and Rhodes  
2 Colleges Adult Admissions Representative  
3 Compensation Program. Updated: July 6th, 2005."

4 And by July 6, 2005, you were no longer  
5 employed at Corinthian; is that right?

6 A If I have this, I must have been employed  
7 there. How else would I get this document?

8 Q Well, I'm not sure that -- did you -- did  
9 you get this document? Is this a document that came  
10 from you?

11 A Somebody got it.

12 Q But you don't know if it's a document that  
13 came from you or somebody else?

14 A Well, it had to come from me because I was  
15 the one that worked at Corinthians.

16 Q Well, Mr. Mshuja also worked at  
17 Corinthian; right?

18 A But he didn't work in admissions.

19 Q Okay. Well, how did you get a copy of  
20 this document?

21 A Like I said, someone at Corinthians gave  
22 it to me, obviously. How else would I get it?

23 Q Do you know who gave it to you?

24 A Somebody. I don't know, whoever gives  
25 these out. It's a promotion probably from Cary

1 Kaplan.

2 Q Okay. So this says the document was  
3 created on July 5th, 2005.

4 Do you see that at the bottom?

5 A I see that up here, right here  
6 (indicating).

7 Q And then at the very bottom of the first  
8 page --

9 A Uh-huh.

10 Q If you'd look with me at the first page of  
11 this Exhibit A, please.

12 A Okay. I got it.

13 Q In -- in the margin at the bottom it says,  
14 "Document Created: July 5th, 2005."

15 Do you see that?

16 A Okay. Uh-huh. Yes, I do.

17 Q You were terminated as of May 2005;  
18 correct?

19 A You have that termination paper? Whatever  
20 date is on there, that's when I was terminated.

21 Q I think we did look at it. I think you  
22 said a couple of --

23 A Did it say 2004?

24 Q No, I think it's May 2005.

25 A Okay. Then if it said May 2005, that's



1 when it was because I signed it. I'm sure I  
2 didn't...

3 Q Okay. So how did you get a document that  
4 was created after you were terminated?

5 A Like I said, I must have got it before I  
6 was terminated because I couldn't get a document  
7 like this if I was terminated before this.

8 Q You were never compensated under the plan  
9 that's attached as Exhibit A to the complaint; is  
10 that right?

11 A This is Exhibit A (indicating); right?

12 Q Correct.

13 A I was never compensated?

14 Q Correct.

15 A What does that mean? You mean in terms of  
16 my raises or --

17 Q Yeah, at that point you had been  
18 terminated from the school, so you were never  
19 compensated under this plan; correct?

20 A Well, if I was terminated, there is no way  
21 I could be.

22 Q Right. And there's no way you could be  
23 promoted or receive a salary increase under this  
24 plan that's attached as Exhibit A; right?

25 A That's right. Uh-huh. I'm not sure where

1 this came from. I didn't -- I don't remember having  
2 it.

3 Q Okay. Do you recall seeing this document  
4 at all?

5 A Well, I've seen documents like this.

6 Q Okay.

7 A I don't know if it was this particular one  
8 with this particular date on it.

9 Q I'm actually asking about this particular  
10 document because it is attached as an exhibit to the  
11 complaint you filed. And you don't recall --

12 A If it was attached to that, then I  
13 probably saw it because -- you know, I didn't read  
14 every word from the pages of this document when I  
15 received it, but I -- I skimmed it. I was aware of  
16 what was going on.

17 Q Okay. And am I correct that the --

18 A I didn't -- I didn't notice those dates.

19 Q Okay. And am I correct that the  
20 allegations in your complaint are based on the  
21 experiences you had when you were employed as an  
22 admissions representative at Corinthian?

23 A Yes, that's correct.

24 MS. YOUNG: I'm handing you what we'll mark as  
25 Exhibit 17.

1 (Defendants' Exhibit 17 was marked  
2 for identification by the deposition officer and is  
3 bound under separate cover.)

4 BY MS. YOUNG:

5 Q This is a copy of the first amended  
6 complaint that was filed in this action.

7 Have you seen this document before?

8 A I'm sure I have.

9 Q Did you help to draft it?

10 A No, I did not.

11 Q Did you review it before it was filed?  
12 And this document was filed on December 15, 2011.

13 A It's a possibility I could have reviewed  
14 it. I'm not sure.

15 Q And are the allegations in your first  
16 amended complaint also based on your experiences --

17 A Are you talking about this one  
18 (indicating)?

19 Q No, I'm talking about the new one that  
20 we've marked as Exhibit 17.

21 A Are they based on what?

22 Q Are the allegations in the first amended  
23 complaint --

24 A Which is this one (indicating)?

25 Q -- which is what we've marked as

1 Exhibit 17 --

2 A Uh-huh.

3 Q -- based on your experiences that you had  
4 when you were employed as an admissions  
5 representative for Corinthian?

6 A Yes, I'm sure it is because I was employed  
7 at Corinthian's admissions.

8 Q Are the allegations in the first amended  
9 complaint based on any information different from  
10 the information that formed the basis for your first  
11 complaint?

12 A That's a hard question because I don't  
13 remember everything in each one of these documents.

14 Q What I'm just trying to understand is are  
15 they based on the same factual information?

16 A Well, if it's the same case, I'm sure it  
17 is. It's the same case.

18 Q It's the same case?

19 A Right.

20 Q Did you learn anything in between the  
21 original complaint you filed and the filing of the  
22 first amended complaint that changed any of the  
23 allegations you're making in the lawsuit?

24 A I'm not -- I don't think so. I think it  
25 was one thing, but I can't remember what it was.

1 Q You think you learned something new in  
2 between?

3 A No, I didn't learn anything new.

4 MS. YOUNG: I'm handing you what we'll mark as  
5 Exhibit 18.

6 (Defendants' Exhibit 18 was marked  
7 for identification by the deposition officer and is  
8 bound under separate cover.)

9 BY MS. YOUNG:

10 Q These are the plaintiff's initial  
11 disclosures that were filed in this lawsuit on  
12 September 17th, 2012.

13 Have you seen this document before?

14 A I'm sure I must have if you have it.

15 Q So why do you say you must have seen this?

16 A Because I have a lot of documents on my  
17 computer. I read some of them that my lawyer sent  
18 me. If this was one of them, I saw it because I  
19 looked at everything, pretty much.

20 Q Okay.

21 A That's what I mean by that.

22 Q Okay. So if you turn to the second page  
23 of this document, there's a list of 19 people here.  
24 And these people were identified as people who are  
25 likely to have information "that the disclosing

1 party," which is you, "may use to support its claims  
2 and defenses."

3 Do you see that?

4 A This is on the second page; right?

5 Q Yeah.

6 A Yes, I see it.

7 Q Okay. Do you know how this list of names  
8 was created?

9 A No, I don't because I didn't create it.

10 Q Does this list of names identify every  
11 individual you are aware of who might have  
12 information to support the claims you're asserting  
13 in this lawsuit?

14 A This list contains the names of people  
15 that I worked with when I was at Corinthian  
16 Colleges. I worked with these people.

17 Q Is there anybody else who has information  
18 relevant to this lawsuit who is not listed among  
19 these 19 names?

20 A How could I know that? I'm sorry. I  
21 can't answer that question.

22 Q Well, you're bringing this lawsuit and  
23 we're entitled to know who you think the relevant  
24 witnesses are.

25 A Well, I just said I don't know.

1 A I'm not sure.

2 Q Just -- just let me finish my question,  
3 please.

4 Was Mr. Martin still working at the school  
5 at the time that you were rehired in San Jose?

6 A Like I said, I'm not sure. I couldn't  
7 keep up with all them people because they was moving  
8 around pretty frequently.

9 Q Okay.

10 A I couldn't keep up with everybody. I  
11 barely could keep up with myself.

12 Q And were any of the 19 people listed here  
13 at the dinner that you told us about earlier?

14 A No.

15 Q Okay. And you've not had any  
16 communications with any of these folks since 2005?

17 A No.

18 THE VIDEOGRAPHER: Counsel, is this a good time  
19 for me to switch the tape?

20 MS. YOUNG: Yes, let's switch the tape. Thank  
21 you. Sorry.

22 THE VIDEOGRAPHER: It will take five minutes.

23 MS. YOUNG: Sure. Five minutes for a  
24 five-minute break.

25 THE VIDEOGRAPHER: The video deposition is now

1 MS. YOUNG: Has the disclosure statement been  
2 provided to us?

3 MR. LEVY: It has not. It's 788 -- 789.  
4 That's 789 pages Bates stamped.

5 MS. YOUNG: Okay. Let's look at some of the  
6 documents that we received. We'll mark this as  
7 Exhibit 19.

8 (Defendants' Exhibit 19 was marked  
9 for identification by the deposition officer and is  
10 bound under separate cover.)

11 BY MS. YOUNG:

12 Q Okay. Exhibit 19 are documents from  
13 November 5th, 2003 and from April and May 2005.

14 Do you see that?

15 A Did you say 2003?

16 Q Yes. If you look at the top right-hand  
17 corner of the document.

18 A Oh, the top right. Okay. It's 2005,  
19 November 3rd (sic) to -- what did you say the other  
20 date was?

21 Q Well, I'm looking at the top of these  
22 documents and they're dated in 2003, April 2005 and  
23 May of 2005.

24 Do you see that?

25 A I see December -- I see November 2003 and



1 November -- is this the same document you have?

2 This one doesn't even have a date.

3 Q If you look at the very top line.

4 A April 2005 on that one, April 2005 on this  
5 one.

6 Q And I grouped these together because they  
7 look like the same type of document.

8 Have you seen these documents before,  
9 Ms. Lee?

10 A Yes, I've seen them.

11 Q What are they?

12 A These are conversion rates that Earon  
13 Mackey gave me when I was in San Francisco. Some  
14 kind of rates. Seventy-three leads -- leads and  
15 interviews.

16 Q Where are you looking?

17 A Right here, leads, interviews  
18 (indicating). Leads, interviews, leads.

19 Q Okay. And you're looking at the page with  
20 the number R 00023?

21 A Well, this is on four, 24.

22 Q Okay. Whose handwriting is on these  
23 documents?

24 A That's Earon Mackey. That's his  
25 handwriting.

1 Q What was this report used for when you  
2 were an employee at Corinthian?

3 A To put pressure on you. Okay. To perform  
4 when they think you're not performing. They want  
5 you to perform better or whatever. They give you  
6 these documents so that they can compare you to  
7 everybody else who is enrolling students so you can  
8 look at them and bring your numbers up if they're  
9 down.

10 Q Okay.

11 A Okay. Is that good?

12 Q And you're not aware of these reports  
13 being used for any other purpose?

14 A I don't know what else they would be used  
15 for.

16 Q And you don't know how these reports were  
17 used after you left your employment at Corinthian;  
18 is that correct?

19 A No. Probably the same thing, but I don't  
20 know. I can't speculate on that because they were  
21 always changing things up.

22 MS. YOUNG: I'm handing you what we'll mark as  
23 Exhibit 20.

24 (Defendants' Exhibit 20 was marked  
25 for identification by the deposition officer and is

1 new.

2 Q But you don't know one way or another?

3 A No, I do not.

4 MS. YOUNG: I just handed you Exhibit 22.

5 (Defendants' Exhibit 22 was marked  
6 for identification by the deposition officer and is  
7 bound under separate cover.)

8 BY MS. YOUNG:

9 Q And your name is not anywhere on this  
10 document. Do you see that?

11 A Oh, I'm looking right now.

12 Q Yeah, take a look and...

13 A This has somebody else's name up there.  
14 Okay.

15 Q Uh-huh. And am I right that your name  
16 doesn't appear anywhere on this document?

17 A I don't see my name on there.

18 Q Have you ever seen this document before  
19 today?

20 A No, I have not.

21 Q Do you have any idea how it came to be in  
22 the possession of your lawyer?

23 A No.

24 MS. YOUNG: Okay. I'm handing you what we'll  
25 mark as Exhibit 23.

1 (Defendants' Exhibit 23 was marked  
2 for identification by the deposition officer and is  
3 bound under separate cover.)

4 BY MS. YOUNG:

5 Q This is a series of documents with the  
6 header "Ad Rep Performance Flash."

7 A Uh-huh.

8 Q And they're from various dates in 2005.  
9 The first date being November 4th, 2005. I'm  
10 looking at the first page relating to San Jose.

11 Now, am I correct that you were not  
12 employed at the San Jose campus of Corinthian in  
13 2005, in November of 2005?

14 A I don't think so.

15 Q Okay. Is there a way to tell from looking  
16 at this document when this report was printed?

17 A You're asking me that?

18 Q I'm asking you that.

19 A I'm not -- I have no idea.

20 Q Okay. Did you print these reports that  
21 I've marked as Exhibit 23?

22 A No.

23 Q Have you seen them before?

24 A I don't recall them.

25 Q Okay. And --

1 A We used to get this kind of report in San  
2 Francisco, but I don't remember seeing this  
3 particular one.

4 Q You've never seen this particular group of  
5 reports before; is that right?

6 MR. LEVY: Objection to form.

7 THE WITNESS: No, my name isn't on here.

8 BY MS. YOUNG:

9 Q The reports I've placed in front of you,  
10 you haven't seen before; is that correct?

11 A I haven't seen this. I don't know.

12 Q Do you see the --

13 A I'm not on here as an admissions rep.

14 Q Okay. And -- and do you see in the  
15 right -- lower right-hand corner where it says  
16 "mgreen"?

17 A "mgreen"?

18 Q Uh-huh. Do you see that in the lower  
19 right-hand corner?

20 A Yes, I do.

21 Q Do you know what that means?

22 A No, I don't.

23 Q Do you have an understanding of how this  
24 group of documents came to be in the possession of  
25 your lawyer?

1 A No, I do not.

2 Q You didn't provide these documents to your  
3 lawyer, did you?

4 A No.

5 Q If you look on every other page here,  
6 there's some handwritten notations.

7 Do you see that?

8 A Over on the side?

9 Q There may be some notations in the margin,  
10 but then on every even-numbered page there are also  
11 pages with handwriting on them.

12 Do you see that?

13 A Yes, I do.

14 Q Do you recognize that handwriting?

15 A No, I don't. It's not mine.

16 Q Okay.

17 A And this isn't mine either (indicating).

18 MS. YOUNG: I'm handing you what we'll mark as  
19 Exhibit 24.

20 (Defendants' Exhibit 24 was marked  
21 for identification by the deposition officer and is  
22 bound under separate cover.)

23 BY MS. YOUNG:

24 Q And in the upper left-hand corner of this  
25 group of documents they say "CP Mar Flash Summary"

1 and the date is April 7th, 2006 on the first page  
2 and the dates go back to July 30th, 2005 in the set  
3 of documents if you look toward the end.

4 So you had already stopped working at the  
5 school by July of 2005; correct?

6 A I haven't seen these documents.

7 Q My -- my question was you had stopped  
8 working for the school by July of 2005; right?

9 A Yes.

10 Q And you've never seen these documents  
11 before?

12 A No.

13 Q Do you know how they were generated?

14 A No, I do not.

15 Q And do you know how they came to be in  
16 your attorney's possession?

17 A No, I don't.

18 Q And you don't know what this -- these  
19 documents were used for; is that correct?

20 A I have never seen these documents.

21 Q So you don't know what they were used for?

22 A My name is not on there as an admissions  
23 rep.

24 Q You don't know what they were used for;  
25 correct?

1 A No, I don't. Actually, these aren't reps.  
2 This is something (inaudible).

3 THE REPORTER: I'm sorry. I can't hear you.

4 BY MS. YOUNG:

5 Q You have to speak loudly so that the court  
6 reporter can hear what you're saying.

7 A Oh, I was just saying this -- these aren't  
8 reps' names, they're cities. I thought they were  
9 reps' names, but they're cities.

10 Q Okay. That still doesn't help you figure  
11 out how these reports were used?

12 A No, I'm not -- I don't know anything about  
13 these documents.

14 Q Okay.

15 A It looks like budgets and something and  
16 starts.

17 MS. YOUNG: I'm handing you what we'll mark as  
18 Exhibit 25.

19 (Defendants' Exhibit 25 was marked  
20 for identification by the deposition officer and is  
21 bound under separate cover.)

22 BY MS. YOUNG:

23 Q At the top of this group of documents they  
24 say "Quarterly Ad Rep Activity Report" and others  
25 say "Daily Flash" at the top of them. The dates on



1 these documents are from 2006 and after September of  
2 2005.

3 Have you seen any of these documents  
4 before?

5 A Have I seen -- these aren't my documents,  
6 no.

7 Q Okay. Do you know whose handwriting is on  
8 these documents?

9 A No, I do not. Not mine.

10 Q And do you know how these documents came  
11 to be in the possession of your attorney?

12 A No, I do not.

13 Q Do you know how these documents that we've  
14 marked as Exhibit 25 were used by the school or by  
15 anyone at the school?

16 A Well, it's a daily flash and it's got all  
17 the names of the schools that are under the umbrella  
18 of Corinthians.

19 Q But -- but you weren't at the school at  
20 the time, so you don't know how this -- these  
21 particular documents were used by the school?

22 MR. LEVY: Objection --

23 THE WITNESS: Well, that's the same document  
24 that they gave me when I was there.

25 MR. LEVY: Objection to form.

1 THE WITNESS: So I'm just telling you on that  
2 aspect.

3 BY MS. YOUNG:

4 Q Okay. But you would have to speculate as  
5 to --

6 MR. LEVY: Objection to form.

7 BY MS. YOUNG:

8 Q -- how this group of documents was used by  
9 the school?

10 A What I'm saying to you, Angie -- no.

11 Q Blanca.

12 A -- Blanca, is that this same form was used  
13 when I was working there. So I recognize the form,  
14 but I don't recognize this document here.

15 Q Okay. You don't know if the form  
16 continued to be used the way it was at the time --

17 A No, I don't know all of that.

18 Q Please, please let me finish my question.

19 You don't know how the form continued to  
20 be used after you left your employment at the  
21 school; is that correct?

22 MR. LEVY: Objection to form.

23 THE WITNESS: That's correct. I don't know how  
24 it was used. This is -- this particular document is  
25 an activity report that was used when I was there.

1 So maybe it was used after I left. I'm sure it was,  
2 but I don't recognize any of those people on there  
3 as -- as admissions reps.

4 BY MS. YOUNG:

5 Q Okay. And you don't know how the activity  
6 report was used after you left your employment at  
7 the school; is that correct?

8 A Well, it was probably used the same way  
9 because it's the same form. So...

10 Q But you don't know that for a fact, do  
11 you?

12 A No, I don't know that because I'm not  
13 employed there. So I'm just giving you the ups on  
14 it's probably still being used. I don't know.

15 MS. YOUNG: Okay. I'm handing you what we'll  
16 mark as Exhibit 26.

17 (Defendants' Exhibit 26 was marked  
18 for identification by the deposition officer and is  
19 bound under separate cover.)

20 THE WITNESS: Thanks.

21 BY MS. YOUNG:

22 Q Have you seen these documents before?

23 A No. No, I haven't.

24 Q Okay. And do you know how they came to be  
25 in the possession of your attorney?

1 A No, I don't.

2 Q And you don't know how they were used by  
3 anyone at the school; is that correct?

4 A No. That's correct.

5 MS. YOUNG: I apologize for the thickness of  
6 this document. We'll mark this as Exhibit --

7 THE REPORTER: 27.

8 MS. YOUNG: -- 27.

9 (Defendants' Exhibit 27 was marked  
10 for identification by the deposition officer and is  
11 bound under separate cover.)

12 BY MS. YOUNG:

13 Q And this is a very lengthy document, but  
14 at the top of the document it says the run date is  
15 September 8th, 2006.

16 Do you see that?

17 A Yes.

18 Q And this is a stat- -- it looks like a  
19 status report for San Jose north.

20 Do you see that?

21 A Uh-huh.

22 Q Have you seen this document before?

23 A I've seen documents like this, yes.

24 Q Have you seen this particular document  
25 before?

1 A I don't think so. If my name is on it, I  
2 probably have, but I don't see my name.

3 Q There are some handwritten notations  
4 toward the back of the document on a number of the  
5 pages.

6 Do you see those?

7 A Yeah, some Xs.

8 Q Do you know whose handwriting that is?

9 A No, I don't.

10 Q That's not your handwriting?

11 A No.

12 Q Okay. And do you know how this document  
13 came to be in the possession of your attorney?

14 A No, I don't.

15 Q And this particular report, you don't know  
16 how it was used by people at the school; is that  
17 correct?

18 A Well, it looks like an end-of-year report  
19 to me maybe on how many leads you got and -- you  
20 know, these are lead reports, looks like to me.

21 Q Okay. But you don't know how this report  
22 was used by the school after you left your  
23 employment there; is that right?

24 A No, I don't. How could I know that? No,  
25 I do not.

1 MS. YOUNG: I'm handing you what we'll mark as  
2 Exhibit 28.

3 (Defendants' Exhibit 28 was marked  
4 for identification by the deposition officer and is  
5 bound under separate cover.)

6 BY MS. YOUNG:

7 Q These are a series of documents that  
8 relate to an employee named Melissa Wong.

9 Do you know who that person is?

10 A No.

11 Q The date on the first document is  
12 October 17th, 2005. That was after you left your  
13 employment at Corinthian; correct?

14 A Yes.

15 Q Okay. On the cover page of this document  
16 it mentions Gina Zappariello. Do you know who that  
17 is?

18 A No, I do not.

19 Q Have you ever seen these documents before?

20 A No.

21 Q Do you know how they came to be in the  
22 possession of your lawyer?

23 A No, I do not.

24 Q All right. Have you ever communicated  
25 with anyone associated with or employed by the law

1 firm of Milberg Weiss Bershad & Schulman?

2 A No.

3 Q Have you ever heard of that law firm?

4 A No, I haven't.

5 Q Have you ever heard of an attorney named  
6 Jeff Westerman?

7 A No, I haven't.

8 Q Have you ever heard of an attorney named  
9 Karen Rogers?

10 A No.

11 Q Have you ever heard of an attorney named  
12 Sabrina Kim?

13 A No, I haven't.

14 Q Have you ever communicated with a  
15 representative of Congress named Maxine Waters?

16 A No.

17 Q Have you ever communicated with anyone on  
18 her staff?

19 A No.

20 Q Do you know a former employee of  
21 Corinthian named Paula Dorsey?

22 A No, I don't.

23 Q Have you ever communicated with a  
24 government accounting office or the Government  
25 Accountability Office about anything relating to

1 Corinthian?

2 A Accountability?

3 Q The Government Accountability Office, have  
4 you ever communicated with that federal office about  
5 your employment at Corinthian?

6 A No. No, I haven't.

7 Q Did you ever communicate with the  
8 Department of Education about anything?

9 A Oh, about Corinthians?

10 Q Correct.

11 A Well, I was a proctor, so I had to  
12 communicate with the Department of Education.

13 Q By "Department of Education," I mean the  
14 federal agency of the Department of Education.

15 A Well, that's the one I'm talking about  
16 because they're over the proctoring.

17 Q Okay. So in what way did you communicate  
18 with the Department of Education when you were a  
19 test proctor in 1999?

20 A Well, just gave them various forms that  
21 they needed to certify me. That's it. I didn't  
22 really communicate with them. I had to go through  
23 them to get certain forms to become certified.

24 Q Okay.

25 A So then -- then I communicated with them.



1 Q And the extent of that communication was  
2 in connection with your responsibilities as a test  
3 proctor for Corinthian; is that correct?

4 A Not responsibilities, just the forms that  
5 you need to fill out to become certified.

6 Q Okay. And that was in the 1999 through  
7 2000 time period?

8 A Yes.

9 Q And other than that, you've had no  
10 communications with anyone at the Department of  
11 Education?

12 A No.

13 Q Have you ever provided testimony at a  
14 congressional hearing?

15 A No, I haven't.

16 Q Have you ever spoken to anybody who  
17 provided testimony at a congressional hearing?

18 A No.

19 Q Have you filed any other lawsuits or  
20 complaints alleging a violation of the ban on  
21 incentive compensation?

22 A No, I haven't.

23 Q Have you ever filed a complaint against  
24 any other educational institution other than  
25 Corinthian?

1 A No, I have not.

2 Q Have you communicated with anyone from the  
3 attorneys general -- Attorney General's office in  
4 any state?

5 A Not that I know of.

6 Q Okay. Have you had any meetings with  
7 anyone out of an Attorney General's office in any  
8 state?

9 A I had -- had a meeting. I'm not sure.

10 THE WITNESS: Was that the Attorney General?

11 I'm not sure if that was him or not, but I  
12 did have a meeting with -- in Los Angeles several  
13 years ago with someone from -- maybe it was the  
14 Attorney General's office. I'm not sure. I can't  
15 remember.

16 BY MS. YOUNG:

17 Q Do you recall, was it a meeting with  
18 someone in the United States Attorney's Office?

19 A Yes, I think it was. I'm not sure.

20 Q Do you recall the name of the person with  
21 whom you met?

22 A No, I do not.

23 Q Was it Abraham Meltzer by any chance?

24 A I don't recall the name.

25 Q Okay. I'm just trying to see if I can

1 help you remember by providing some names about who  
2 it may have been.

3 Do you remember meeting with anybody named  
4 Jay Majors?

5 A Huh-uh, no, ma'am.

6 Q And you said the meeting took place in Los  
7 Angeles?

8 A Yes.

9 Q And you said it was some time ago. Can  
10 you give me a time frame? Like five years ago, ten  
11 years ago?

12 A Maybe four or five years ago.

13 Q Do you know if that meeting took place  
14 before or after you filed your original complaint in  
15 this case?

16 A After.

17 Q Who else was at that meeting?

18 A Mr. Mshuja was there. I can't remember if  
19 Scott was there. I can't remember.

20 Q You don't remember if Mr. Levy was there?

21 A No, I can't remember.

22 Q Was Mr. Labaton there?

23 A I don't think so.

24 Q Do you recall anyone else being present at  
25 that meeting?

1 A No.

2 Q What was discussed at that meeting?

3 A Different -- Jesus. We were talking  
4 about -- see, you're making me really reach back. I  
5 can't even remember. It's -- you know, it's been a  
6 while.

7 Q Uh-huh.

8 A I don't recall the conversation, but it  
9 was about this case right here.

10 Q Okay.

11 A So I don't remember all the different --

12 Q Do you remember the general subjects you  
13 discussed?

14 A No, I don't.

15 Q Aside from that one meeting in Los Angeles  
16 after your complaint was filed, did you have any  
17 other meetings --

18 A No, I didn't.

19 Q -- with anyone who you understood to be  
20 working for the United States Attorney's Office?

21 A No.

22 Q And was that an in-person meeting you had?

23 A In person?

24 Q Was it in person in Los Angeles?

25 A Oh, it was in person, yes.

1 numbers was high -- were high. So he would get paid  
2 more money.

3 Q And if I'm correct, Mr. Kaplan was your  
4 director of admissions the first time you were  
5 employed at the San Francisco campus; correct?

6 A Yes, for several years, yes.

7 Q Okay. And he was not your director of  
8 admissions the second time that you were employed in  
9 San Francisco; correct?

10 A No. No, he was not.

11 Q So he never acted as your director of  
12 admissions at any time after January 1st, 2005; is  
13 that correct?

14 A No, only in San Francisco the first time.

15 Q Okay. So am I correct that after  
16 January 1st, 2005 Mr. Kaplan never acted as your  
17 director of admissions?

18 A That's -- that's correct.

19 Q Okay. So you said your understanding was  
20 that you would get some sort of an increase or a  
21 raise to your salary if you met certain numbers;  
22 right?

23 A Well --

24 MR. LEVY: Objection to form.

25 THE WITNESS: It was written if you wanted to

1 get a raise from campus to senior to master, how  
2 many starts you had to get.

3 BY MS. YOUNG:

4 Q Okay. So again, you're just basing this  
5 off of what was in the written compensation plans  
6 that governed your compensation; is that right?

7 A Everybody's compensation. If you get  
8 20 -- 120 starts or exceed that, you go from one  
9 level to the next. It stated that in one of these  
10 documents that we read. I don't know which one.

11 Q All right. So you're -- when you say you  
12 had to meet numbers, you're referring to the written  
13 programs that the school had in place that described  
14 how people were going to be compensated; is that  
15 right?

16 MR. LEVY: Objection to form.

17 THE WITNESS: No, not necessarily. I'm  
18 referring to how many students we enrolled per year.

19 BY MS. YOUNG:

20 Q Right. Okay.

21 A Okay.

22 Q And what's your understanding of how often  
23 you could get a raise?

24 A It's once a year, uh-huh.

25 Q And the same thing with promotions?

1 A Yeah, and they would add up all your  
2 numbers and if you met your numbers, you could go  
3 from one level to the next.

4 Q And to figure out if you had met those  
5 numbers, you would refer to the written program that  
6 the school had put in place; is that right?

7 A Yeah, yeah. That's all we had to refer  
8 to.

9 Q Okay. And that same document would govern  
10 other factors that went into whether or not you  
11 would get a raise; is that right?

12 A Yes.

13 MR. LEVY: Objection to form.

14 BY MS. YOUNG:

15 Q Did you ever act (sic) with Jim Martin  
16 after you left the San Francisco campus the first  
17 time around?

18 A Did I ever act with him?

19 Q Interact with Jim Martin after you left  
20 San Francisco?

21 A No, I haven't seen Jim Martin in almost,  
22 say, 20 years, but a long time since I left Bryman.  
23 I don't see Jim Martin.

24 Q Okay. And so the second time you came  
25 back to the Bryman campus in San Francisco, you

1 A Yes.

2 Q Did it surprise you that you were  
3 receiving reports that talked about how you were  
4 doing in terms of recruiting people to come to  
5 Corinthian?

6 A Did it surprise me?

7 Q Uh-huh.

8 A In terms of what?

9 Q Well, did it come as a surprise --

10 A It was -- it was a weekly thing that  
11 happened.

12 Q Uh-huh. Were you surprised to see that  
13 your performance in terms of recruiting people to  
14 the school was being tracked?

15 A No, I wasn't surprised.

16 MR. LEVY: Objection to form.

17 BY MS. YOUNG:

18 Q That's what you were hired to do; right?

19 A Yeah, I wasn't surprised. I was surprised  
20 when I was on top.

21 Q Mr. Levy asked you earlier what did you  
22 have to do to get a raise and your response was you  
23 had to make your numbers. Do you recall that?

24 A Yes, that's true.

25 Q And in responding to that question, you



1 referred to the paper that identified what those  
2 numbers were. Do you recall that?

3 A No, I didn't have that paper, not then,  
4 but I discussed it with you when you were talking to  
5 me.

6 Q Right. So I just wanted to clarify. The  
7 numbers that you believed you had to meet in order  
8 to get a raise, those were numbers that were laid  
9 out in the written compensation programs that you  
10 received from the school; is that right?

11 A Uh-huh.

12 Q Is that a "yes"?

13 A Yes. Excuse me.

14 Q Okay. Thank you.

15 And Mr. Levy asked you whether you were  
16 evaluated on anything other than the numbers of  
17 students you recruited to the school. Do you recall  
18 that question?

19 A Well, I recall that question earlier, yes.  
20 Uh-huh.

21 Q Okay. And I asked you earlier -- we went  
22 through those minimum standards. Do you remember  
23 that?

24 A Yes.

25 Q And there were something like 18 of them

1 in the document; right?

2 A Uh-huh.

3 Q Do you recall that?

4 A Yes, I recall that.

5 Q And we went through a number of them and I  
6 asked you whether you understood that your  
7 performance was being evaluated on whether you  
8 complied with each of those 18 standards.

9 Do you recall that?

10 A Part of my performance.

11 MR. LEVY: Objection to form.

12 THE WITNESS: Part of my raise was considered  
13 in that, but it was -- the bottom line was numbers.

14 BY MS. YOUNG:

15 Q Okay. But part of your raise --

16 MR. LEVY: Objection to form.

17 BY MS. YOUNG:

18 Q Part of your raise depended on some of the  
19 other things, including what we looked at --

20 A Getting to work on time and all that  
21 stuff, naturally.

22 Q Okay. Including what we --

23 A And how I interacted with other people and  
24 stuff like that.

25 Q Okay. So -- so part of your raise

1 depended on how you interacted with other people?

2 A According to that paper that they gave me  
3 those fours and fives on, it did, but, you know --

4 Q Okay. And was that --

5 MR. LEVY: Let her finish her answer.

6 BY MS. YOUNG:

7 Q Go ahead.

8 A And, you know, I never understood how I  
9 got fours and fives. Nobody said, "Well, you did  
10 this and that's why I gave you a five" or "You did  
11 this and this and this and that's why you got a  
12 four." I didn't get that information.

13 Q Right. So you had no personal insight  
14 into how --

15 A I was evaluated.

16 Q -- that performance evaluation form was  
17 filled out; correct?

18 A No. No, I did not.

19 MR. LEVY: Objection to form.

20 THE WITNESS: And I didn't go up and say,  
21 "Well, why did you give me a four or five?" I  
22 didn't do that.

23 MS. YOUNG: Okay. I have nothing further.  
24 Thank you so much for your time.

25 THE WITNESS: Okay. You're welcome. Thank

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHANGES AND SIGNATURE (Continued)

PAGE	LINE	CHANGES	REASON

-oOo-

I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct, with the exceptions, if any, noted above.

Executed at \_\_\_\_\_ on \_\_\_\_\_, 2013.  
(Place) (Date)

\_\_\_\_\_  
(Signature of Deponent)

1 STATE OF CALIFORNIA )  
2 ) SS.

3 COUNTY OF ORANGE )  
4

5 I, KIMBERLY C. REICHERT, Certified Shorthand  
6 Reporter, Certificate No. 10986, for the State of  
7 California, hereby certify that:

8 I am the deposition officer that  
9 stenographically recorded the testimony in the foregoing  
10 deposition;

11 Prior to being examined, the deponent was by  
12 me first duly sworn;

13 The foregoing transcript is a true record of  
14 the testimony given.

15 I further certify that I am neither counsel  
16 for, related to, nor employed by any of the parties or  
17 attorneys in the action in which this proceeding was  
18 taken, and further certify that I am not financially or  
19 otherwise interested in the outcome of the action;

20 Pursuant to information given to me at the  
21 time said testimony was taken, the appearance page  
22 includes counsel for all parties of record;

23 Before completion of the deposition, review of  
24 the transcript { X } was { } was not requested.

25 If review and signature was requested, the

1 noticing letter was send to the witness or to the  
2 attorney for the witness for examination, for review,  
3 corrections and signature;

4 That any changes made by the deponent,  
5 according to the FRCP, and provided to the reporter  
6 during the period allowed, are appended hereto.

7

8 Dated: January 4, 2013.

9

10

11

---

KIMBERLY C. REICHERT  
CSR NO. 10986

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Case 2:07-cv-01984-PSG-MAN Document 192-2 Filed 02/12/13 Page 1 of 125 Page ID  
#:5599

# **EXHIBIT B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
Ex Rel. NYOKA LEE and )  
TALALA MSHUJA, )  
Plaintiff, )

vs. )

CORINTHIAN COLLEGES INC.; )  
ERNST & YOUNG, LLP; DAVID MOORE; )  
and JACK D. MASSIMINO, )  
Defendants. )

Case No.  
CV 07-01984 PSG  
(MANx)

VIDEOTAPED DEPOSITION OF: TALALA MSHUJA

Tuesday, December 18, 2012, 9:14 a.m.

Santa Ana, California

REPORTED BY:  
VALERIE E. RASMUSSEN  
CSR 8900



IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

UNITED STATES OF AMERICA, )  
Ex Rel. NYOKA LEE and )  
TALALA MSHUJA, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No.  
 ) CV 07-01984 PSG  
CORINTHIAN COLLEGES INC.; ) (MANx)  
ERNST & YOUNG, LLP; DAVID MOORE; )  
and JACK D. MASSIMINO, )  
 )  
Defendants. )  
\_\_\_\_\_ )

The videotaped deposition of TALALA MSHUJA, taken  
on behalf of Defendants, before Valerie E. Rasmussen,  
Certified Shorthand Reporter 8900 for the State of  
California, commencing at 9:14 a.m., Tuesday, December 18,  
2012, at 6 Hutton Centre Drive, 2nd Floor, Santa Ana,  
California.

1 Q Okay. And sorry, just to step back. You had  
2 mentioned a couple of other people.

3 Where did John Chacon work?

4 A He worked at Bryman College in San Jose.

5 Q And is that where you talked to him?

6 A No.

7 Q Okay. Where did you talk to John Chacon?

8 A Outside of --

9 Q Outside of?

10 A Yeah, outside of the college.

11 Q Where was that?

12 A At his home and at a restaurant.

13 Q Do you remember what restaurant that was?

14 A It was in San Mateo. I can't remember the name  
15 of it. I think it was Van.

16 Q And do you remember when you talked to him at  
17 that restaurant?

18 A What year?

19 Q Yes, what year.

20 A 2005. I'm not sure of the exact -- 2005 or 2006.

21 Q 2005 or 2006?

22 A Yeah.

23 Q And do you remember when you talked to him at his  
24 home? Was it around the same time?

25 A Yes.

1 Q Okay. And so you didn't talk to John Chacon when  
2 he -- when he was working at Bryman in San Jose --

3 A No.

4 Q -- okay -- about -- about anything?

5 A Not when he worked at --

6 Q Okay.

7 A -- I mean, as after -- after he worked at San  
8 Jose.

9 Q Okay. So you talked to John Chacon after he  
10 worked at San Jose?

11 A Yeah. I'm not sure if he was still working there  
12 or -- I'm not sure if he was still working there at the  
13 time. I can't remember.

14 Q And where did Susan Newman work?

15 A Institute for Business & Technology.

16 Q When was that?

17 A That was in 2006.

18 Q It was in 2006?

19 A Yeah.

20 Q Is that when you talked to her?

21 A Yes.

22 Q And where did you talk to Susan Newman?

23 A I talked to her -- I mean, we worked together. I  
24 worked at the Institute for Business & Technology.

25 Q Oh, you did?

1 A Yeah. And I talked to her at the restaurant and  
2 I talked to her at -- at her home.

3 Q So you talked to her at that same restaurant in  
4 San Mateo?

5 A And another restaurant in San Jose.

6 Q And another restaurant --

7 A Yeah.

8 Q -- in San Jose?

9 A Yes.

10 Q How do you know Susan Newman?

11 A I met her at IBT, Institute for Business &  
12 Technology.

13 Q Okay. And when -- you met her in 2006?

14 A Yes, she -- was her idea.

15 Q Okay. And how do you know John Chacon?

16 A Through Susan.

17 Q Through Susan?

18 A Yeah.

19 Q And how do you know -- Dawn Rain, is it?

20 A She was admissions director at WyoTech campus in  
21 Fremont.

22 Q Can you spell that for me -- her name?

23 A D-A-W-N.

24 Q Okay. And the last name?

25 A Rain, R-A-I-N.

1 MR. LEVY: Objection to form.

2 BY MR. PHADKE:

3 Q Is it all right if you wait for a one-second  
4 pause after I --

5 A Yes.

6 Q So what -- what -- what were -- what was in this  
7 research that your attorney sent you?

8 A About nonprofit schools -- profit schools, and  
9 education, and a variety of issues related to education  
10 and schools.

11 Q Okay. And did it involve claims about ad reps or  
12 admission staff being paid by -- paid incentive  
13 compensation?

14 A Yeah, other schools that had been sued.

15 Q And when did your attorney send you this  
16 information?

17 A Over the last four or five years.

18 Q Did he start sending you this information in --  
19 in 2006?

20 A Yes.

21 Q And did he send you this information before you  
22 filed the first Complaint in March 26, 2007?

23 A No, I didn't -- I didn't know him then.

24 Q In 2007, I said.

25 A Oh, in 2007?

1 Q Before March --

2 A Yeah.

3 Q -- 2007 --

4 A Uh-huh.

5 Q -- did he send you this information?

6 A Yes, he did.

7 Q He did.

8 A I'm sorry.

9 Q Yeah. All right. Just a second.

10 MR. PHADKE: You're catching this; right? When I ask  
11 a question, he's interrupting, we'll go -- we'll have my  
12 full question?

13 THE REPORTER: It depends. One at a time.

14 THE WITNESS: Okay.

15 MR. PHADKE: All right. I'll ask the question again.

16 Q And I ask that you not interrupt. Thanks.

17 A Okay.

18 Q Your attorney sent you this research on other  
19 for-profit colleges in the claims that have been brought  
20 against them, before you filed your first Complaint in  
21 this case in March 2007; correct?

22 A Yes.

23 Q And then he continued sending this information to  
24 you after March 2007?

25 A Yes.

1 Q How often did he send you this information?

2 A I can't remember exactly how often, but we had an  
3 ongoing relationship and discussion about education  
4 process and issues related to this case.

5 Q Okay. And that ongoing discussion, was that  
6 primarily about claims being brought against other  
7 for-profit colleges?

8 A That was involved in our discussions, yes.

9 Q So these are cases that were being filed across  
10 the country against other for-profit colleges?

11 A Yes.

12 Q And your attorney was sending information about  
13 this to you?

14 A Yes.

15 Q And was he sending you Complaints -- the  
16 Complaints that were filed in court against other  
17 for-profit colleges?

18 A No.

19 Q Was he sending you news reports about -- about  
20 other for-profit colleges?

21 A Yes, how to get information about things that he  
22 wanted me to be aware of.

23 Q How to be -- what --

24 A Links, yeah.

25 Q Sorry. You can finish.

1 A Links to information.

2 Q And what was that information that he wanted you  
3 to be aware of?

4 A I thought I explained that to you. About  
5 colleges and profit schools and educational process.

6 Q And how they were compensating ad reps and  
7 directors of admission?

8 A That was some of the information, yeah.

9 Q And so he was sending you info -- links to  
10 information about how other schools were compensating ad  
11 reps and DOAs?

12 A Yes.

13 Q And these included news reports?

14 A Yes.

15 Q And those included news reports about lawsuits  
16 that were being brought against these other for-profit  
17 colleges?

18 A Yes.

19 Q And this information was sent to you before  
20 March 26, 2007 --

21 A Yes.

22 Q -- when you filed your first Complaint in this  
23 action?

24 A Yes.

25 Q Did he say why he was sending this to you?



1 A He wanted me to be aware of what was going on.

2 Q So before you reviewed this information, were you  
3 aware about what was going on?

4 A Yes.

5 Q But did you learn more about what was going on by  
6 reviewing this information?

7 A Yes, I did.

8 Q Were you aware that these -- that -- what --  
9 strike that.

10 Was the information in the materials that Mr. Lee  
11 sent to you, was it -- did it involve allegations similar  
12 to the allegations brought in this case?

13 A Sometimes, yes.

14 Q And before you saw that information, did you know  
15 about these kinds of -- these kinds of frauds being  
16 committed against schools --

17 A Yes.

18 MR. LEVY: Objection to form.

19 MR. PHADKE: You can strike that question -- last  
20 question.

21 Q And other than this -- these Internet links that  
22 we've been talking about, did you review any other  
23 documents to pre- -- to prepare for this deposition today?

24 A I generally did research on my own, too, in terms  
25 of this type of situation.

1 Q And what's "this type of situation"?

2 A About what's happening with this case.

3 Q Well, what is happening with this case?

4 MR. LEVY: He wants to know what you reviewed for this  
5 deposition, not for the last five years; what you reviewed  
6 today.

7 MR. PHADKE: Counsel, I would ask that you stop  
8 interrupting with these kind of instructions. I'm asking  
9 questions. They're reasonable questions. And if he's  
10 answering them, then those are his answers.

11 Q So let's -- what you just said, you researched  
12 "this situation." So what is "this" -- what do you mean  
13 by "this situation"?

14 A Documents related to this case.

15 Q So did you research documents for the claims that  
16 you could bring against for-profit colleges?

17 A Yes.

18 Q And did you research that on the Internet?

19 A And information that my attorney sent me.

20 Q Okay.

21 A Internet, as well.

22 Q Now, I'm talking about information other than the  
23 links your attorney sent you about other for-profit  
24 colleges that we've already discussed, okay.

25 So putting -- putting that aside, did your

1 attorney send you other documents?

2 A Yes.

3 Q And what kinds of documents were those?

4 A About things similar to this case.

5 Q About -- what kinds of things were those?

6 A Could you break that down --

7 Q So --

8 A -- a little bit better? What do you mean?

9 Q So you -- you answered your attorney sent you  
10 about things similar to this case.

11 A Information similar to this case.

12 Q What -- what was that information?

13 A I just said, things similar to what's happening  
14 with this case.

15 Q Okay. Did he send you Complaints filed in  
16 court --

17 A No.

18 Q -- other than this -- other than the news  
19 articles --

20 A The news --

21 Q -- that refer --

22 A Yeah.

23 Q -- that refer to Complaints?

24 A Yes.

25 Q And did that information that he sent you, did

1 some of it not relate to Corinthian at all?

2 A Yes.

3 Q And what was the information that didn't relate  
4 to Corinthian?

5 A About other colleges.

6 Q So he sent you other information --

7 A Yes.

8 Q -- about other colleges as well?

9 And this was prior to March 2007?

10 A Yes.

11 Q And that helped you inform -- it helped inform  
12 you about the -- the allegations you're bringing in this  
13 case?

14 A Yes. That's correct.

15 Q And other than what your attorney sent you, you  
16 said you conducted research yourself. Yes?

17 A Yes.

18 Q And what was that research?

19 A About colleges -- prof- -- for-profit colleges,  
20 because I'm involved in education, so I like to keep  
21 abreast of what's going on in the field.

22 Q Okay. And that research about for-profit  
23 colleges, did that pertain to allegations that other  
24 for-profit colleges had paid ad reps incentive  
25 compensation?

1 A Some of it.

2 Q And did it pertain to allegations that other DOAs  
3 had -- that other colleges had paid DOAs incentive  
4 compensation?

5 A Some of it.

6 Q And did you do that research before filing  
7 this -- your Complaint in this action?

8 A Yes.

9 Q And did you do the research on the -- on those  
10 issues after filing your original Complaint in this action  
11 in March 2007 --

12 A Yes.

13 Q -- and before filing that Complaint in -- your  
14 second Complaint in December 2011?

15 A Yes.

16 Q So you did research before your original  
17 Complaint and -- yes? You did research before your  
18 original Complaint?

19 A Yes.

20 Q And then, again, research before your second  
21 Complaint?

22 A Yes.

23 Q What caused you to do this research?  
24 What caused you to do this research?

25 A 'Cause I'm an educator myself, and more

1 BY MR. PHADKE:

2 Q And what did Ms. Newman tell you that caused you  
3 to do more research on this?

4 MR. LEVY: Objection to form.

5 THE WITNESS: Discussions that we had about this case  
6 and what was going on in the schools.

7 BY MR. PHADKE:

8 Q Now, you talked to Ms. Newman before this  
9 Complaint was filed; right?

10 A Yes.

11 Q So were discussions with Ms. Newman actually just  
12 about what was going on with the schools?

13 A She was -- she worked as an admin rep at IBT,  
14 where we worked, and we had conversations about it.

15 Q And were the discussions with New -- Ms. Newman  
16 about what was going on at other for-profit colleges?

17 A Only the school that we worked at at the time.

18 Q So you didn't talk with Ms. Newman about other  
19 for-profit colleges?

20 A No.

21 Q And Ms. Newman didn't mention that she was a  
22 relator in other cases against for-profit colleges?

23 A No. I found -- found that out later.

24 Q You found that out later?

25 A Yeah.

1 Q When did you find that out?

2 A After our first initial meeting.

3 Q At that dinner in San Mateo?

4 A Dinner in San Jose.

5 Q The dinner in San Jose?

6 A Yeah, before San -- San Mateo.

7 Q So between the dinner in San Jose and the dinner  
8 in San Mateo, you found out --

9 MR. LEVY: Compound.

10 BY MR. PHADKE:

11 Q -- that Ms. Newman had brought suits against  
12 other for-profit colleges?

13 A Yes.

14 Q And did that make you do further research into  
15 this issue of compensation of ad reps and directors of  
16 admission?

17 A Yes, it did.

18 Q And you learned more -- more information about  
19 these issues?

20 A Yes, I did.

21 Q And did talking to Mr. Levy cause you to do  
22 more -- more independent research on the compensation of  
23 directors of admission and ad reps?

24 A Yes.

25 Q And other allegations that you bring in this

1 Complaint?

2 A Yes.

3 Q And did you do that research before you filed  
4 your -- did you do that research before you filed your  
5 original Complaint in March 2007?

6 MR. LEVY: Asked and answered. Objection. Asked and  
7 answered.

8 BY MR. PHADKE:

9 Q The research that you did after -- because of  
10 talking to Mr. Levy, did you do that research before  
11 filing your original Complaint in March of 2007?

12 A Some of it, yes.

13 Q And did you do that research before filing your  
14 original Complaint -- your second Complaint in December of  
15 2011?

16 A Yes.

17 Q Have you done any other research on this besides  
18 what you did based on talking to Mr. Newman and -- talking  
19 to Ms. Newman or Mr. Levy? I'll strike that.

20 Can you describe any other research you've done  
21 to prepare for this deposition?

22 A I think I've described that to you already. I'm  
23 not sure what you mean.

24 Q So the research you did was primarily research  
25 about other for-profit schools?



1 A Yes.

2 Q And about lawsuits that are being brought against  
3 other for-profit schools?

4 A Yes.

5 Q That was primarily what you researched?

6 A Yes.

7 Q And what schools were those?

8 A University of Phoenix.

9 Q Any other schools besides University of Phoenix?

10 A Corinthian Colleges.

11 Q So you researched other lawsuits that have been  
12 brought against Corinthian Colleges?

13 A Yes.

14 Q Do you remember what lawsuits those were?

15 A I think the year 2007 there was a -- a judgment  
16 against Corinthian Colleges, in support of students, for  
17 8.6 million.

18 Q And that -- that judgment against Corinthian of  
19 8.6 million, did that spur you on to do more research in  
20 this case?

21 A I just wanted to keep abreast of what was going  
22 on.

23 Q Did it spur you on to do more research?

24 MR. LEVY: Objection to form. Asked and answered.

25 THE WITNESS: Yes.

1 BY MR. PHADKE:

2 Q Did it spur you on to pursue this case?

3 A Yes.

4 Q And did the University of Phoenix lawsuit spur  
5 you on to pursue this case?

6 A Yes.

7 Q And that lawsuit happened before you filed this  
8 Complaint; right?

9 A Yes.

10 Q And were you aware of a fine that the University  
11 of Phoenix had paid in 2004 for incentive-compensation  
12 violations?

13 A Yes.

14 Q And did that -- did your information -- did  
15 your -- sorry. Did your knowledge of that fine spur you  
16 on to pursue this case?

17 A Yes.

18 Q Were you aware of any other lawsuits against  
19 for-profit colleges?

20 A Not to my knowledge, that I can remember now.  
21 Since I worked in education, I was always -- had the time  
22 to do research about educational process and schools and  
23 how things function. I spent a lot of time doing that.

24 Q And after you filed your original Complaint in  
25 2007, did you continue researching lawsuits against other

1 for-profit colleges?

2 A Yes, at every opportunity.

3 Q And you did that at every opportunity before you  
4 filed your original Complaint, as well?

5 A Yes.

6 Q Okay. And after you filed your original  
7 Complaint, did you learn about more lawsuits against  
8 for-profit colleges besides the one against University of  
9 Phoenix?

10 A Yeah, everything that came up.

11 Q So you learned about every -- pretty much --

12 A Yes.

13 Q -- every lawsuit that came up after -- after you  
14 filed your original Complaint?

15 A Yes.

16 Q Did you know about pretty much every lawsuit that  
17 came up before you filed your original Complaint, as well?

18 A I'm not sure if I knew about everything, but  
19 pretty much, because I just pretty much stayed on top of  
20 it.

21 Q So you knew about a lot of lawsuits before you  
22 filed your original Complaint, even though you can't  
23 remember any of them besides University of Phoenix?

24 A That's correct.

25 Q And how many were there, if you can estimate?

1 A Three, maybe four, five, I'm not sure.

2 Q So you knew --

3 A Yeah.

4 Q -- about around five --

5 A Uh-huh, yeah.

6 Q -- other lawsuits that brought the same  
7 allegations in this case, of schools violating  
8 incentive-compensation bans --

9 A Yes.

10 Q -- before you filed your original Complaint?

11 A Yes.

12 Q Did you review any other documents to prepare for  
13 this deposition?

14 A Could you be more specific?

15 Q To prepare for this deposition, did you review  
16 any other documents, besides what we've already talked  
17 about?

18 A As many that I had available to review.

19 Q How many were those?

20 A There's quite a few of 'em. It's a big stack of  
21 stuff. I leaf through it, you know, focus in on some  
22 aspects.

23 Could I get a tissue, please?

24 Thank you.

25 Q And where did you get these materials?

1 A Yes.

2 Q And in the break that you just had that was  
3 longer than a half an hour with your -- how long did you  
4 talk about the deposition with your counsel?

5 A How long?

6 MR. LEVY: The whole time.

7 BY MR. PHADKE:

8 Q The whole time?

9 A Yes.

10 Q About your testimony going forward?

11 A Yes.

12 Q The whole time you talked about your testimony  
13 going forward in this deposition?

14 A Yes.

15 Q Now, earlier you had testified that you reviewed  
16 materials that Mr. Levy has sent to you about Corinthian,  
17 in order to prepare for this deposition, and that you had  
18 reviewed those same materials before you filed the  
19 original Complaint; is that correct?

20 A Yes.

21 Q And those materials that Mr. Levy sent to you,  
22 you had never seen those before? Yes?

23 A No.

24 Q So they came from your attorney and you'd never  
25 seen them before?

1 A Yes.

2 Q And other than those materials that Mr. Levy sent  
3 to you that you had never seen before, and materials based  
4 on your Internet research, did you base your knowledge of  
5 the Complaint on anything else?

6 A No.

7 Q So that was the basis of the knowledge -- that  
8 was the basis of your knowledge of your allegations of the  
9 Complaint?

10 A Yes.

11 Q Those two pieces of information?

12 A Yes.

13 Q Materials that Mr. Levy sent you about  
14 Corinthian --

15 A Uh-huh.

16 Q -- that you had never seen before, and then  
17 Internet research you had done?

18 A That's true.

19 Q And those are materials -- those materials are  
20 ones you reviewed prior to March 2007 when you filed the  
21 original Complaint?

22 A Yes.

23 Q I'd like to give you an exhibit that we used  
24 yesterday at Ms. Lee's deposition.

25 MR. PHADKE: This was marked Exhibit 17 yesterday.

1 (Exhibit 17 was previously marked for  
2 identification and is attached hereto.)

3 BY MR. PHADKE:

4 Q Do you recognize this document?

5 A Yes.

6 Q Could you turn to Page 3 of this document.

7 MR. PHADKE: Just for the record, this is the First  
8 Amended Complaint in this case.

9 Q So Page 2, Paragraph 3.

10 A You said 3?

11 Q I'm sorry, let me clarify. Could you turn to  
12 Page 2, Paragraph 3, where --

13 A Okay.

14 Q -- the paragraph starting, "Relator Talala  
15 Mshuja."

16 Do you see where it says, "Mshuja was employed as  
17 an independent test proctor at Corinthian San Francisco  
18 campus from August 2000 until February 2003, and then at  
19 the San Jose campus from January 2004 until July 2005.  
20 Mshuja -- Mshuja worked at Corinthian's Fremont campus  
21 from 2006 to 2009"?

22 Do you see that?

23 A 2007, I think -- late 2006 to 2009, yes.

24 Q Okay. So that's late 2006 to 2009?

25 A Yeah.

1 Q So with that correction that your time at your --  
2 at the Fremont campus started in late 2006 to 2009, is  
3 this an accurate summary of your work for Corinthian?

4 A Yes.

5 Q All your work at Corinthian?

6 A Uh-huh.

7 Q And there's a period missing here and -- there's  
8 two -- there's two periods missing here. The first  
9 period, like where there's a gap between your work at  
10 Corinthian, working backwards, is from July 2005 till late  
11 2006. What -- what did you do at that period?

12 A I think that was Institute for Business &  
13 Technology.

14 Q So that's when you were a test proctor --

15 A Yeah, uh-huh --

16 Q -- at IBT?

17 A Yes.

18 Q Did you do anything else at that point?

19 A No.

20 Q So you worked as a test proctor at IBT between  
21 July 2005 and approx- -- and sometime in late 2006?

22 A Yes.

23 Q At that point, did you stop working as a test  
24 proctor at IBT --

25 A Yes.



1 Q -- when you returned to Corinthian in Fremont?

2 A Yes.

3 Q And then there's another gap between February of  
4 2003 and January of 2004.

5 Do you see that?

6 A Yes.

7 Q What were you doing then?

8 A Looking for a job. Look for employment.

9 Q You were looking for employment?

10 A Yes.

11 Q So you were not employed --

12 A No.

13 Q -- between February 2003 and January of 2004?

14 And other than your work for Corinthian and your  
15 work for IBT, you didn't do anything else between 2000 and  
16 2009?

17 A No, I didn't.

18 Q And you didn't work for any other for-profit --

19 A No.

20 Q -- colleges during that period, and you haven't  
21 worked for any for-profit colleges since then?

22 A No, I haven't.

23 Q So based on the summary, the only position you've  
24 ever had with Corinthian is as an independent test  
25 proctor?

1 A That's correct.

2 Q Right?

3 And you never worked in any other capacity?

4 A No.

5 MR. LEVY: Objection to form.

6 THE WITNESS: No.

7 BY MR. PHADKE:

8 Q And all the work you did with Corinthian was as  
9 an independent contractor; right?

10 A That's correct.

11 Q So you were never a salaried employee at  
12 Corinthian?

13 A No.

14 Q And just to clarify the campuses that you worked  
15 at, your only work at Corinthian was at Bryman College in  
16 San Jo- -- in San Francisco from 2000 to 2003, Bryman in  
17 San Jose from 2004 to 2005, and WyoTech in Fremont from  
18 late 2006 to 2009; is that correct?

19 A Yes.

20 Q And you were paid an hourly wage the whole time?

21 A That's correct.

22 Q And so you're paid dependent only on how many  
23 hours you worked as a test proctor for that -- for any  
24 given pay period; correct?

25 A That's correct.

1 Q And you were never paid a salary?

2 Were you never paid a salary?

3 A That's the second time you asked me that. No.

4 Q And you were never paid a performance bonus;  
5 right?

6 A No.

7 Q And you were never paid a commission; right?

8 A No.

9 Q And your pay never depended on how many students  
10 Corinthian recruited?

11 A No. How many hours I worked.

12 Q And your work as a test proctor, was that covered  
13 by independent written contracts with Corinthian?

14 A That's correct.

15 Q And that was for the entire time you worked for  
16 Corinthian, it was covered by independent written  
17 contracts?

18 A That's correct.

19 Q And did these contracts describe completely the  
20 work you did with Corinthian?

21 A That's correct.

22 MR. LEVY: Okay. You were going to make a copy of  
23 those exhibits during the break.

24 MR. PHADKE: I apologize. I've sent an e-mail to  
25 the -- to the paralegal, but she hasn't come down yet.

1 MR. LEVY: We -- we gave you plenty of time earlier to  
2 make copies.

3 MR. PHADKE: Can we go off the record?

4 THE VIDEOGRAPHER: Agree to go off the record?

5 MR. LEVY: I don't see any reason to go off the  
6 record.

7 MR. PHADKE: Well, you're just chewing up record time  
8 on this debate.

9 MR. LEVY: So just get us a copy of --

10 MR. PHADKE: We'll make you a copy. Why don't we hold  
11 onto it and we'll get a copy made. Here.

12 I should have you mark these once it's done.

13 This is 36. This is 37.

14 (Exhibit 36 was marked for identification and  
15 is attached hereto.)

16 (Exhibit 37 was marked for identification and  
17 is attached hereto.)

18 BY MR. PHADKE:

19 Q Mr. Mshuja, do you recognize these documents?

20 A Yes, I do. Are they marked the same?

21 Q You'll see one is dated 12 of April 2007, the  
22 other is dated 12 of April 2008.

23 A Okay.

24 Q And are these contracts you signed in 2007 and  
25 2008 relating to your work with Corinthian as an

1 independent test proctor?

2 A Yes.

3 Q And that's your signature on both contracts?

4 A Yes.

5 Q Did you read these contracts before signing them?

6 A As far as -- as far as I know, yes.

7 Q So there's no reason to think you didn't read  
8 these contracts before signing them?

9 MR. LEVY: Objection to form.

10 THE WITNESS: I think I read them.

11 BY MR. PHADKE:

12 Q And when you read them -- when you signed them,  
13 did you agree with what the contract said?

14 A Yes.

15 Q Did you understand -- did you understand that  
16 signing would express your agreement with what the  
17 contract said?

18 A Yes.

19 Q Would you turn to both contracts, to Exhibit A.  
20 It's the fourth page in each document.

21 MR. PHADKE: These con- -- just for the record, these  
22 contracts have exhibits that are attached to them that  
23 appear to be part of the contract.

24 Q Were these exhibits part of the contract?

25 MR. LEVY: Objection to form.

1 BY MR. PHADKE:

2 Q Were these -- were these exhibits part of the  
3 contract?

4 A As far as I know.

5 Q And do you see where it says, in the 2008  
6 contract, "Services described as proctoring of ability to  
7 benefit CPAT entrance test for prospective WyoTech  
8 candidate students. Proctor will provide up to 30 hours a  
9 week, not to exceed, to avail himself to testers on an  
10 as-needed basis"?

11 A Yes.

12 Q Is that an accurate description of the work you  
13 did with Corinthian?

14 A Yes.

15 Q Did you do anything else?

16 A No.

17 Q And that's your whole time at Corinthian, from  
18 2000 to 2009; this is an accurate description of the work  
19 you did?

20 A Yes.

21 Q And you didn't do anything else?

22 A No.

23 Q The whole time?

24 A No.

25 Q Did you have a desk or office at any Corinthian

1 campus?

2 A Yes, I did.

3 Q Where did you have a desk?

4 A In the proctoring room.

5 Q In the proctoring room?

6 A Fremont, I had a desk in the library.

7 Q And was that a desk that was assigned to you or  
8 was it one that was available to proctors in general?

9 A It was my desk.

10 Q Did you have a desk in San -- in San Francisco?

11 A Yes, I did.

12 Q And that -- where was that?

13 A In the proctoring room.

14 Q Proctoring room.

15 Did you ever have a Corinthian e-mail address?

16 A No.

17 Q Did you ever have a computer given to you by  
18 Corinthian?

19 A Yes.

20 Q Was it a computer that was assigned to you?

21 A Yes, for my proctoring.

22 Q When was that given to you?

23 A I had a computer in San Francisco. I had a  
24 computer in San Jose.

25 Q Okay.

1 A And I had one at WyoTech.

2 Q And when you said that was for your proctoring,  
3 what did you do on the computer?

4 A I notated my testing job, what I did.

5 Q So you notated tests that you had proctored?

6 A Yes.

7 Q Did you do anything else?

8 A No. In my free time I might have just looked at  
9 some of my artwork.

10 Q Okay. So you notated tests that you proctored,  
11 and in your free time you looked at your artwork?

12 A Yes.

13 Q And there was nothing else --

14 A No.

15 Q -- that you did on the computers?

16 A No.

17 Q And that was during your whole time at  
18 Corinthian, the only thing you did on the computers was  
19 notate your tests and look at artwork?

20 A Yes. Paperwork --

21 Q What kind of --

22 A -- that I'd written.

23 Q And what was the paperwork that you had written?

24 A About my art.

25 Q About your art?



1 A Yes.

2 Q But that was not related to Corinthian?

3 A No.

4 Q So the only work you did on computers -- on  
5 Corinthian computers was to notate your tests?

6 A Yeah. I managed my testing.

7 Q Managed testing?

8 A With the computer.

9 Q And did you have a account that gave you access  
10 to the Corinthian system -- the Corinthian data system?

11 A No.

12 Q So sort of Corinthian corporate documents, did  
13 you have an access to that?

14 A No. No, I didn't.

15 Q So the only -- so what did you have access to?  
16 The Internet?

17 A Yes, I did.

18 Q And you had access to Word?

19 A Yes, I -- in San Francisco, I didn't have access  
20 to Internet.

21 Q Okay.

22 A I just had a desktop computer, and that was it.

23 Q And --

24 A In San Jose, I did have access to the Internet.

25 Q And what did you have access to on your computer?

http://www.yeslaw.com/help

1 A Just Microsoft Word.

2 Q Just Microsoft Word?

3 A Yeah.

4 Q Anything else?

5 A No.

6 Q And so you -- and so you annotated your tests on

7 Microsoft Word?

8 A Yes, I documented my activities.

9 Q You documented your test-proctoring activities?

10 A Yes.

11 Q And you did nothing else on those computers?

12 A No.

13 Q And just to get the record clear, you didn't have

14 access to any sort of Corinthian database or set of

15 corporate documents?

16 A No.

17 MR. LEVY: Objection to form.

18 THE WITNESS: No.

19 BY MR. PHADKE:

20 Q You were never an admissions representative;  
21 right?

22 A No.

23 Q And you were never director of admissions; right?

24 A No.

25 Q So you were never responsible for admitting or

1 recruiting students; right?

2 A No.

3 Q And your pay was never based on any compensation  
4 policies that covered ad reps; right?

5 A No.

6 Q And it was never based on any compensation  
7 policies that covered directors of admission; right?

8 A No.

9 Q And you never gave any ad rep a performance  
10 evaluation; right?

11 A Could you state that question again?

12 Q As a test proctor -- I mean, as a test proctor,  
13 you never gave any ad rep a performance evaluation;  
14 correct?

15 A No.

16 Q And you never gave a DOA a performance  
17 evaluation?

18 A No.

19 Q Right?

20 As a test proctor, had you ever seen the forms  
21 which DOAs used to give performance evaluations?

22 A No.

23 Q As a test proctor, had you ever seen the forms  
24 which DOAs gave to -- DOAs looked at in considering  
25 promotional criteria?

1 A Yes.

2 Q When did you see those?

3 A When? I don't remember exactly when.

4 Q You don't remember when?

5 A No.

6 Q Do you know who showed them to you?

7 A Who showed 'em to me?

8 Q Do you know who showed 'em to you?

9 A Yes.

10 Q Who?

11 A Nyoka.

12 Q Nyoka showed them to you. Aside from what Nyoka  
13 showed you, had you ever seen the forms that were used to  
14 determine whether ad reps got -- got compensation bonuses  
15 or incentive pay?

16 A I said Nyoka ... I think -- I'm not sure.

17 Q So you have no recollection of seeing any -- any  
18 documents that discuss ad rep compensation besides what  
19 Nyoka showed you?

20 MR. LEVY: Objection to form.

21 THE WITNESS: I think I saw documents that John Chacon  
22 and Susan Newman ....

23 BY MR. PHADKE:

24 Q So in your work as a test proctor, you never saw  
25 documents that -- that covered ad rep compensation?

1 MR. LEVY: Objection to form.

2 THE WITNESS: No.

3 BY MR. PHADKE:

4 Q And you only ever saw those based on what Nyoka  
5 Lee, Susan Newman or John Chacon showed you?

6 A No.

7 Q Let me clarify. You only ever saw documents  
8 covering ad rep compensation based on what Nyoka Lee,  
9 Susan Newman or John Chacon showed you; right?

10 MR. LEVY: Objection to form.

11 BY MR. PHADKE:

12 Q I need an audible, verbal response.

13 A That's the only way I saw it.

14 Q That's the only way you saw it?

15 A Yeah.

16 Q And you never got -- reviewed yourself -- based  
17 on any ad rep performance review; right?

18 A No.

19 Q And you were also never a financial aid officer;  
20 right?

21 A No.

22 Q You were never involved in making decisions about  
23 whether a student was eligible for financial aid?

24 A No. I was only the test proctor.

25 Q And as part of your work as a test proctor, no

1 DOA ever sent you any spreadsheets showing DOA or ad rep  
2 enrollment numbers; right?

3 A No.

4 Q Now, for your compensation, you submitted  
5 invoices to Corinthian for each pay period; right?

6 A That's correct.

7 Q Those invoices covered the money you were owed  
8 for a pay period based on your hourly rate?

9 A Yes.

10 MR. PHADKE: Okay. I'd like to introduce two  
11 exhibits.

12 (Exhibit 38 was marked for identification and  
13 is attached hereto.)

14 (Exhibit 39 was marked for identification and  
15 is attached hereto.)

16 MR. PHADKE: There -- there's a copy for you. I  
17 apologize.

18 MS. YOUNG: Here you go.

19 MR. LEVY: Okay. Thank you. So this is going to be  
20 Exhibit 38.

21 MS. YOUNG: Oh, are there two different documents?

22 MR. CALHOUN: Yeah.

23 MS. YOUNG: Scott, for you.

24 MR. LEVY: No, I gave them the other --

25 MS. YOUNG: Oh, you did?

1 Q And after you stopped working for Corinthian, did  
2 you get other employment?

3 A Since 2009?

4 Q Yeah, after January 2009.

5 A No.

6 Q So you left Corinthian because they weren't (sic)  
7 paying you late and then you didn't seek other employment?

8 A No. I did look for work, but I didn't find any.

9 Q And there was -- there were no other reasons for  
10 your leaving Corinthian?

11 A No.

12 Q So earlier today we talked about Susan Newman and  
13 John Chacon; right?

14 A Yes.

15 Q And you said that you had two dinners with Susan  
16 Newman and a meeting at her house at the -- when you first  
17 started thinking about this case; right?

18 A Yes.

19 Q What was the first of those meetings?

20 A The one in San Jose.

21 Q That was the dinner in San Jose?

22 A Yeah.

23 Q Who was at that dinner?

24 A Myself, Susan, John Chacon, Mr. Levy and Mr. Mark  
25 Labaton.

1 Q Do you remember when that dinner was?

2 A What year?

3 Q Was it in 2006?

4 A I think so. I'm not positive.

5 Q So you think the dinner was in 2006. And Ms. Lee  
6 was not there?

7 A No.

8 MR. LEVY: Objection to form.

9 THE WITNESS: No.

10 BY MR. PHADKE:

11 Q And the list of people you recited was a complete  
12 list of who was there?

13 A Yes, correct. Yeah.

14 Q And what did you talk about at that dinner?

15 A What did we talk about? Problems with how  
16 Corinthian Schools and -- no, IBT -- both of those schools  
17 were operating.

18 MS. YOUNG: Can I have that read back? I didn't hear.  
19 I'm sorry.

20 (Record read as follows:

21 "Q What did we talk about? Problems with how  
22 Corinthian Schools and -- no, IBT -- both of those  
23 schools were operating.")

24 BY MR. PHADKE:

25 Q Did Ms. Newman set up that dinner?



1 A I'm not sure who set that up.

2 Q Did you set up that dinner?

3 A No, they called me in to the meeting.

4 Q Who called you?

5 A I think that was Susan that called me.

6 Q And what did Susan say?

7 A She would like for me to come to this meeting.

8 Q Did she say why she wanted you to come to the  
9 meeting?

10 A Yes.

11 Q What did she say?

12 A She would like to -- for me to be involved and  
13 take a look at what was going on.

14 Q And what was going on? Did she say what was  
15 going on?

16 A Yes.

17 Q What did she say was going on?

18 A The practices of both those schools.

19 Q Before you discussed the practices of IBT and  
20 Corinthian, had you ever thought about Corinthian  
21 committing a fraud against the federal government?

22 A I was aware of -- aware of how they treated their  
23 students.

24 Q But before you talked about IBT and Corinthian at  
25 that dinner in 2006, had you ever thought about how

1 Corinthian was committing a fraud against the federal  
2 government?

3 MR. LEVY: Objection to form.

4 THE WITNESS: I thought about how they were committing  
5 a fraud against their students.

6 BY MR. PHADKE:

7 Q And what was the fraud against their students  
8 that you thought about?

9 A Enrolling students and then not able to get them  
10 jobs and charging 'em money.

11 Q Okay. So you thought that Corinthian was  
12 committing a fraud by enrolling students who had no job  
13 prospects after they completed their graduation?

14 A That's correct, yeah.

15 Q And you thought that was a fraud against the  
16 Government?

17 A If that's how they got their money, yes.

18 Q And was that the -- was that the only fraud you  
19 had thought about that Corinthian was committing against  
20 the federal government?

21 A As far as that they were committing against their  
22 students?

23 Q Yes. The one you just described.

24 A Yes.

25 Q And you didn't think of any other sort of bad

1 actions being taken by Corinthian before that dinner?

2 A Yeah, actions they took against me and other  
3 people that worked there.

4 Q What were those actions?

5 A It's hard to describe how they -- in the normal  
6 politics of a company, some people are favorites and  
7 others aren't; and some people are treated differently  
8 than others. You know, that type of thing.

9 Q So did you feel you were disfavored at  
10 Corinthian?

11 A If -- I had conflict with admissions rep because  
12 of their practices. I was in charge of what I was doing  
13 and sometimes there was conflict with admission reps.

14 Q But that didn't constitute a fraud against the  
15 federal government; right?

16 MR. LEVY: Objection. Form.

17 BY MR. PHADKE:

18 Q Did you think that constituted a fraud against  
19 the federal government at the time?

20 MR. LEVY: Objection. Form.

21 THE WITNESS: It was a fraud against the people  
22 involved.

23 BY MR. PHADKE:

24 Q So before that dinner, you thought that  
25 Corinthian was committing a fraud against the federal

1 objection is appropriate for the communications you had  
2 before --

3 MR. LEVY: I absolutely -- I absolutely think it's  
4 appropriate. All communications with counsel,  
5 anticipation of hiring counsel, are covered by the  
6 privilege.

7 I instruct the witness not to answer.

8 BY MR. PHADKE:

9 Q Were you looking for legal advice from Mr. Levy  
10 when you came to that dinner?

11 A Oh, I was just advised to come and see what was  
12 going on.

13 Q So you weren't looking for -- for legal advice  
14 from Mr. Levy at the start of the dinner?

15 A I didn't know what was going on at the start of  
16 the dinner.

17 Q Okay. And were -- there were, at that dinner,  
18 present, Mr. Chacon and Ms. Newman; correct?

19 A Yes.

20 Q And they were there for the whole dinner;  
21 correct?

22 A Yes.

23 Q And they heard everything that was said at that  
24 dinner; correct?

25 A Yes, uh-huh.

1 Q And are Mr. Chacon or Ms. Newman your co-relators  
2 in this action?

3 A Now?

4 Q Yes.

5 A No.

6 Q Were they ever your co-relators in this action?

7 A In the -- in the beginning.

8 Q In the beginning?

9 A Yes.

10 Q Were they your co-relators -- how long were they  
11 your co-relators in this action?

12 A I don't remember the specific time.

13 Q Were they your co-relators in this action when  
14 you filed the Complaint in 2007?

15 A I'm not sure.

16 Q So you -- you just remember them being your  
17 co- -- co-relators in this action at some point?

18 A Yeah.

19 Q And you don't know when that point was?

20 A In the beginning.

21 Q In the beginning of this case?

22 A Yeah.

23 Q But when you came to that dinner --

24 A I think.

25 Q -- you were not looking for legal advice?

1 A No.

2 Q What was said at the start of the dinner, if you  
3 remember?

4 A I don't remember.

5 Q Do you remember who started talking?

6 A No.

7 Q Did you start talking?

8 A I just welcome -- welcome -- we talked and, you  
9 know, "How you doing," you know, general conversation, at  
10 the start of the meeting, yeah.

11 Q Did someone else bring up Corinthian?

12 A Yes.

13 Q Who brought up Corinthian?

14 A I don't remember who exactly brought it up, what  
15 individual brought it up.

16 Q But it was --

17 A It was Susan or --

18 Q That's all right.

19 A Yeah.

20 Q You can finish.

21 A It could have been Susan, more than -- more than  
22 likely.

23 Q It was more than likely Susan --

24 A Yeah, uh-huh.

25 Q -- who brought up Corinthian?

1 And what did Susan say about Corinthian, if you  
2 remember?

3 A It was about the practices and admissions.

4 Q So did Susan bring up the practice of paying ad  
5 reps incentive compensation?

6 A Not that -- you know, I don't remember if there  
7 was a -- one thing in particular that she said, you know.

8 Q But she brought up the problems with -- with ad  
9 reps?

10 A Yeah.

11 Q And do you remember the problems that she brought  
12 up?

13 A No.

14 Q And did Mr. Levy or Labaton say anything about ad  
15 reps?

16 A I don't remember exactly what the conversation  
17 was, but possibly.

18 Q Okay. Before you decided to retain counsel at  
19 that dinner, did anybody bring up lawsuits that had been  
20 brought against for-profit colleges about ad reps?

21 A Not that I can remember.

22 Q Was that discussed at that dinner?

23 A Not that I can remember.

24 Q Do you remember anything that was discussed at  
25 that dinner?

1 A No, it's been some time ago, I don't -- I can't  
2 recall.

3 Q So you can't remember anything then?

4 A No. Vaguely.

5 Q What do you remember?

6 MR. LEVY: Objection. Asked and answered.

7 THE WITNESS: I don't remember, you know -- you know,  
8 my memory's vague on -- on all of that.

9 BY MR. PHADKE:

10 Q Did Ms. Newman discuss lawsuits she was  
11 bringing -- she was bringing as a relator against other  
12 for-profit colleges?

13 A No.

14 Q But you said you learned about that later on?

15 A Yes.

16 Q And that -- and you learned about that before you  
17 filed the Complaint in this case in March 2007?

18 A Yes.

19 Q And you don't remember anything about that dinner  
20 besides what you've testified to at this point?

21 A No.

22 Q Did somebody suggest that you contact Ms. Lee?

23 A No.

24 Q Did you contact Ms. Lee after that dinner?

25 A I suggested her.



1 Q So you suggested --

2 A Yes.

3 Q -- that Ms. Lee --

4 A Yes.

5 Q -- be contacted in connection with this case?

6 Let me get the record clear.

7 You suggested at that dinner that Ms. Lee be  
8 contacted?

9 A Yes.

10 Q Why did you suggest that?

11 A Because she worked at the Corinthian Schools.

12 Q And was it because she worked as an admissions  
13 rep at Corinthian?

14 A As well as admissions director.

15 Q Was she working with Corinthian at the time?

16 A I don't think she was.

17 Q So this is after she had left Corinthian in --

18 A I think so.

19 Q -- May 2005?

20 A Yes.

21 Q And then did you then get in touch with Ms. Lee  
22 after that dinner?

23 A Yes.

24 Q And what did you say to Ms. Lee?

25 A I told her that she should come to the meeting.

1 Q Had you and the other members of -- other people  
2 who were at the dinner in San Jose discussed a follow-up  
3 meeting?

4 A I'm not sure.

5 Q So when you called Ms. Lee and you said, "You  
6 should come to the meeting," what meeting were you talking  
7 about?

8 A The one in San Mateo.

9 Q So when --

10 A The second meeting.

11 Q How was the second meeting set up?

12 A How?

13 Q Who suggested the second meeting?

14 A We all talked about it.

15 Q Everybody at the dinner in San Jose --

16 A Yes.

17 Q -- talked about the second meeting?

18 A Uh-huh.

19 Q Let me just get the record clear.

20 Everybody at the dinner in San Jose talked about  
21 a second meeting?

22 A Yes.

23 Q And you suggested bringing Ms. Lee to that second  
24 meeting?

25 A Yes.

1 Q Because she was an ad rep at Corinthian?

2 A Yes.

3 Q And at that first meeting you had discussed the  
4 possibility of suing Corinthian?

5 A Yes.

6 Q And that possibility was suggested by either  
7 Ms. Newman or Mr. Levy or Mr. Labaton?

8 MR. LEVY: Objection. You're asking for  
9 attorney-client communications. You know that.

10 I instruct the witness not to answer.

11 THE WITNESS: No, can't answer.

12 MR. LEVY: Meaning you're not answering on the advice  
13 of counsel; correct?

14 THE WITNESS: In advice of counsel.

15 BY MR. PHADKE:

16 Q So you said that during that first meeting in San  
17 Jose, at some point during the meeting, you -- you made a  
18 decision that you might retain counsel; correct?

19 A I made a decision then?

20 Q Did you?

21 A I thought about it. I mean I was thinking about  
22 it. I didn't make the decision.

23 Q So you started thinking about whether you were  
24 going to retain counsel at that first dinner in San -- in  
25 San Jose?

1 A Yes.

2 Q And before you started thinking about that, if  
3 you can remember, did somebody, either Ms. Newman or  
4 Mr. Levy or Mr. Labaton, bring up the possibility of suing  
5 Corinthian Colleges?

6 A No.

7 Q So you started thinking about retaining counsel  
8 just -- just -- just because?

9 A After that meeting.

10 Q So you started thinking of retaining counsel  
11 after the meeting?

12 A If there was any way to do that, you know. I --  
13 I -- I wasn't sure if there was any way to do that or if  
14 there was going to be a true follow-up, you know. I was  
15 just introduced to her.

16 Q What -- what made you think about retaining  
17 counsel? What happened before you started thinking about  
18 retaining counsel?

19 A The meeting.

20 Q So you didn't think about retaining counsel at  
21 the meeting?

22 A No.

23 Q Did you say anything to Counsel about the  
24 possibility of retaining counsel at that meeting?

25 A No.

1 Q So you didn't say anything to Mr. Levy  
2 or Mister --

3 A I was just as an observer.

4 Q So you didn't say anything to Mr. Levy or  
5 Mr. Labaton about the possibility of retaining counsel at  
6 that first meeting --

7 A No.

8 Q -- in San Jose?

9 Let me just get the record clear. You didn't say  
10 anything to Mr. Levy or Mr. Labaton about the possibility  
11 of retaining counsel at that first meeting?

12 A No.

13 Q And you started thinking about retaining counsel  
14 after the -- after that first meeting?

15 A Yeah, after listening to the input of everybody  
16 involved.

17 Q And when did you first discuss the possibility of  
18 retaining counsel?

19 A I think maybe after the second meeting.

20 Q After the second meeting --

21 A Yes.

22 Q -- you first discussed the possibility of  
23 retaining counsel with Mr. Levy and Mr. Labaton?

24 A Yes.

25 MR. PHADKE: Counsel, I don't see any basis for the

1 privilege.

2 MR. LEVY: Yeah, I think all communications in  
3 anticipation of litigation are clearly covered by the  
4 privilege. We've given you a lot of latitude on this.

5 It -- it's privileged and I'm instructing him not  
6 to answer.

7 MR. PHADKE: Counsel, there's case law that says the  
8 initial attorney-initiated contact before there's a --  
9 before there's an intent to --

10 MR. LEVY: And --

11 MR. PHADKE: -- initiate attorney-client relationship  
12 is not privileged.

13 MR. LEVY: And he didn't say this is  
14 attorney-initiated contact. You're saying that.

15 MR. PHADKE: Well, it was initiated by a third party  
16 named Susan Newman.

17 MR. LEVY: Is she an attorney?

18 MR. PHADKE: Well, she was a relator in two cases that  
19 you brought against other for-profit colleges.

20 MR. LEVY: And -- and she's not an attorney, and there  
21 is no -- he's not testified about attorney-initiated  
22 contact.

23 MR. PHADKE: No, but he has testified that he didn't  
24 think about retaining counsel until after the second --

25 MR. LEVY: The objection stands.

1 MR. PHADKE: And there were third parties present at  
2 the meeting.

3 MR. LEVY: And --

4 MR. PHADKE: I don't see how that's a confidential  
5 communication.

6 MR. LEVY: -- and -- and -- and they were co-relators.  
7 The objection stands.

8 BY MR. PHADKE:

9 Q At that meeting, did you think that Ms. Newman or  
10 Mr. Chacon were your -- were going to be in a lawsuit with  
11 you?

12 A Did I think at --

13 Q At --

14 A -- after the first meeting?

15 Q -- at -- at that meeting -- at that first one.

16 A Which one?

17 Q At that first one.

18 A No.

19 Q You didn't?

20 A Huh-uh.

21 Q At that first -- at that -- at the second dinner,  
22 did you think that Ms. Newman or Mr. Chacon were going to  
23 be in a lawsuit with you?

24 A No, I thought maybe there might be something, a  
25 possibility or whatever, no, I don't ....

1 Q Had you agreed to getting into a law -- to  
2 bringing a lawsuit with Ms. Newman or Mr. Chacon at the  
3 first dinner?

4 A No.

5 Q Did you agree at the second dinner?

6 A No.

7 Q Were there -- those discussions happened after  
8 the second dinner; right?

9 A Yes.

10 MR. CALHOUN: I'll get copies for you.

11 MR. LEVY: Thank you.

12 BY MR. PHADKE:

13 Q Now, you said you contacted Ms. -- Ms. Lee after  
14 the first dinner in San Jose?

15 A Yes.

16 Q What did you -- what did you tell Ms. Lee?

17 A I thought that she should be involved in this  
18 meeting.

19 Q In the second meeting in --

20 A Yes.

21 Q -- San Mateo?

22 A Uh-huh.

23 Q Why did you think that?

24 A Because she worked at Bry- -- or for Corinthian.

25 Q And what was the amount of time that took place



1 between the first meeting in San Jose and the second  
2 meeting in San Mateo?

3 A I'm not sure. I think it was a few days.

4 Q And did you ask anyone else to come to the second  
5 meeting besides Ms. Lee?

6 A No.

7 Q Did any --

8 A Excuse me. No.

9 Q Did anyone else come?

10 A No.

11 Q So at that second meeting, who was present?

12 A Mr. Levy, Mr. Labaton, John Chacon, Susan Newman  
13 and Nyoka Lee and myself.

14 Q And at that second meeting you still hadn't  
15 made -- thought about a second -- strike that.

16 At that second meeting, you still thought -- you  
17 still had not thought about obtaining counsel to bring a  
18 suit against Corinthian; right?

19 A I hadn't finalized any thoughts about that, no.

20 Q Had you discussed it with anybody?

21 A Yeah, we talked about it.

22 Q At the second meeting, you talked about?

23 A Yes.

24 Q But you had not talked about it at the first  
25 meeting; correct?

1 A We talked about it at the first meeting too, but  
2 we didn't finalize it.

3 Q So you hadn't finalized anything at the second  
4 meeting?

5 A No, it was in formulation.

6 Q Okay. And you formu- -- you formulated the  
7 retainer agreement after the second meeting; correct?

8 A Yes. I didn't formulate it, no.

9 Q Who formulated it?

10 A The attorneys did.

11 Q So Mr. Levy and Mr. Labaton formulated the  
12 retainer agreement?

13 A Yes.

14 Q And before that first dinner, you hadn't -- you  
15 hadn't thought about the possibility of suing Corinthian;  
16 correct?

17 A No.

18 Q And you only made your decision about suing -- to  
19 sue Corinthian after the second dinner; correct?

20 A Yeah.

21 Q And did you have any other communications besides  
22 these two dinners with Mr. Levy, Mr. Labaton, Susan Newman  
23 and John Chacon, where you talked about suing Corinthian?

24 A After that?

25 Q No --

1 whatever.

2 Q In the second meeting, did you eat dinner there?

3 A Yes.

4 Q And was that a nice place?

5 A Yes, a very nice place.

6 Q The place in San Mateo?

7 A Yeah.

8 Q Do you remember what place it was?

9 A I think in hearing discussion about that -- I  
10 think it was called "Van."

11 Q Could you spell that?

12 A V-A-N. I'm not even sure --

13 Q Okay.

14 A -- if that's correct, so ....

15 Q So you remember it being called "Van," in San  
16 Mateo?

17 A After hearing it discussed yesterday. I don't  
18 remember the name of the restaurant.

19 Q And --

20 A It was the first time I'd ever been to it.

21 Q And did you pay -- pay for that dinner?

22 A Did I pay for it?

23 Q Yes.

24 A No.

25 Q Did one of the attorneys pay for it?

http://www.yeslawandhelp

1 A I think we pitched in. I'm not sure. I don't  
2 know exactly -- know what went down.

3 Q But you didn't pay for it?

4 A No.

5 Q Did people drink wine at that dinner? If you  
6 remember.

7 A I don't remember.

8 Q Just asking.

9 Do you eat dinners with lawyers a lot?

10 A No.

11 Q So that was a pretty unique experience, that  
12 dinner?

13 A I mean, I've dealt with attorneys before, but I  
14 haven't been out to dinner with them.

15 Q And you haven't been out to dinner where you  
16 talked about a potential lawsuit?

17 A No.

18 Q Was that first dinner in the -- the one in San  
19 Jose -- was that the first time you've ever met or  
20 communicated with Mr. Levy or Mr. Labaton?

21 A Yes.

22 Q And at that dinner, Ms. Newman didn't tell you  
23 that she had been a client of Mr. Levy in  
24 another for-profit -- in another suit against a for-profit  
25 college?

1 A No.

2 Q And you were still working at Corinthian at the  
3 time; correct?

4 A I think I was working at IBT.

5 Q Okay. You were working at IBT?

6 A Yeah.

7 MR. LEVY: We'd like to take a break.

8 MR. PHADKE: Okay. Let me just finish up a couple  
9 questions and then we can.

10 Q And before that dinner with Mr. Levy and  
11 Mr. Labaton, did you have any idea that Corinthian was  
12 violating the ban on incentive compensation?

13 A I'm not sure if I was aware or not. I'm not  
14 sure.

15 Q You're not sure?

16 A No.

17 Q You have no recollection?

18 A No.

19 Q And how long after the second dinner did you  
20 retain Mr. Levy and Mr. Labaton as counsel?

21 A I don't know. I have -- I have to check the  
22 documents and the dates to give you that answer.

23 Q Do you have an estimate?

24 A No.

25 Q But it was after the second dinner?

1 Mr. Chicone's potential involvement in this case?

2 A Yes, at that dinner.

3 Q The first dinner in San Jose?

4 A Yes.

5 Q Do you know what a Program Participation  
6 Agreement is?

7 A No. Could you explain that to me?

8 Q Do you know what a PPA is?

9 A No.

10 Q So sitting here right now, without explanation  
11 from somebody else, you don't have any understanding of  
12 what a PPA is?

13 A I'm not familiar with that type of document,  
14 haven't had any need -- need to.

15 Q So you've never had to prepare a PPA for anybody  
16 before?

17 A As far as I know, no.

18 Q You've never reviewed a Program Participation  
19 Agreement, or PPA, at any point?

20 A Program Participation Agreement? No.

21 Q And you've never submitted a Program  
22 Participation Agreement to anybody?

23 A No.

24 Q Because you have no idea what it is?

25 A Until you mentioned it.

1 Q So you've heard me mention Program Participation  
2 Agreement?

3 A Just now.

4 Q And that's the first time you've --

5 A Yes.

6 Q -- ever heard of it?

7 A Uh-huh.

8 Q So the first time you -- just to get the record  
9 clear, the first time you've ever heard of a Program  
10 Participation Agreement was today when I asked you about  
11 it?

12 A That's correct.

13 Q Are you aware of any legal or regulatory  
14 requirements relating to recruiting or compensating  
15 recruiters?

16 A Aware of what?

17 Q Are you aware of any legal or regulatory  
18 requirements relating to the compensation of recruiters?

19 A No.

20 Q So you're not aware of any legal or regulatory  
21 requirements relating to the compensation of recruiters  
22 for for-profit schools?

23 A Legal or regulatory compensation, is that what --

24 Q No.

25 A -- you said?

1 Q No.

2 MR. LEVY: Objection to form.

3 BY MR. PHADKE:

4 Q Are you aware of any legal requirements that  
5 govern the compensation of recruiters at for-profit  
6 schools?

7 A I'm not sure. You know, I may be aware of it,  
8 but not the way you're presenting it.

9 Q Okay. Are you aware of any restrictions that  
10 limit how a for-profit school can pay its ad reps or  
11 recruiters?

12 A Vaguely.

13 Q You're vaguely familiar?

14 A Yeah.

15 Q But you have -- you don't have any clear  
16 understanding of legal restrictions that govern how a  
17 for-profit school can pay its ad reps or recruiters?

18 MR. LEVY: Objection to form.

19 MR. PHADKE: Can you repeat the question?

20 (Record read as follows:

21 "Q But you don't have any clear  
22 understanding of any legal restrictions that govern of how  
23 a for-profit school can pay its ad reps or  
24 recruiters?")

25 THE WITNESS: Vaguely.



1 BY MR. PHADKE:

2 Q What are those restrictions?

3 A I don't know. I can't name 'em off to you.

4 Q Can you generally describe what they do?

5 A Who?

6 Q What the restrictions restrict? Can you  
7 generally describe what those restrictions do?

8 A No.

9 Q So do you have any specific understanding of any  
10 legal requirements or restrictions on how for-profit  
11 schools can pay their ad reps or recruiting staff?

12 A Legal restrictions on how they pay 'em?

13 Q Yeah.

14 A Not to my knowledge.

15 Q Do you know what Title IV of the Higher Education  
16 Act is?

17 A Vaguely.

18 Q What is it?

19 A Title IV of the education program, I guess it has  
20 something legally to do with how they operate.

21 Q Do you have anything more specific to say about  
22 Title IV besides that?

23 A No. I would have to look at it again. I've  
24 looked at it before, but I don't remember what exactly it  
25 said.

1 Q When did you look at it?

2 A I don't remember.

3 Q Did you look at it after filing this lawsuit?

4 A I may have saw a copy of it before, because I've  
5 been involved in education for a number of years, so I --  
6 I can't exactly say when or -- it does kind of ring a  
7 bell.

8 Q Are you aware of any requirements under Title IV  
9 that pertain to this case?

10 A Yes, somewhat.

11 Q Which requirements are those?

12 A I can't name 'em.

13 Q So you're aware of requirements under Title IV  
14 that pertain to this case --

15 A Yes.

16 Q -- but you can't name any of them?

17 A No.

18 Q And when did you become aware of requirements  
19 under Title IV that pertain to this case?

20 A I don't know exactly when.

21 Q Did you -- were you aware of the requirements  
22 that pertain to Title IV that pertain to this case, before  
23 that dinner in San Jose in 2006?

24 A No.

25 Q So it's only after the dinner in San Jose in 2006

1 that you became aware of any requirements under Title IV  
2 that pertain to this case?

3 A Like I mentioned before, I -- I was maybe aware  
4 of Title IV, but not in any real essence of all the parts  
5 about it.

6 Q So none of this was provisions that could apply  
7 to this case -- you became -- you weren't aware of any of  
8 those before that dinner?

9 A I was aware of Title IV, but not in any real  
10 detail.

11 Q Okay. And not -- and you weren't aware of any of  
12 the specific provisions that apply to this case prior to  
13 that dinner?

14 A Could have, yeah.

15 Q But you don't know?

16 A I don't know.

17 MR. LEVY: Objection. Argument.

18 BY MR. PHADKE:

19 Q And you don't recall any requirements that apply  
20 to this case?

21 MR. LEVY: Objection. Argument.

22 BY MR. PHADKE:

23 Q You can answer.

24 A I'm aware of any -- can you --

25 Q And you're not aware of any legal requirements

1 Title IV that govern this case?

2 MR. LEVY: Objection to form.

3 THE WITNESS: Am I -- no. Not -- you know, not that I  
4 can ....

5 BY MR. PHADKE:

6 Q And you've never communicated with the federal  
7 government on behalf of Corinthian; correct?

8 A Yes.

9 Q When did you communicate with the federal  
10 government on behalf of Corinthian?

11 A Oh, on behalf of Corinthian?

12 Q Yes.

13 A No.

14 Q So you've never communicated on behalf of  
15 Corinthian with the federal government?

16 A No.

17 Q And have you ever seen or heard any  
18 communications between somebody who represents Corinthian  
19 and the federal government?

20 A Say that again.

21 Q Have you ever seen anybody who's representing  
22 Corinthian communicate with the federal government or have  
23 you ever observed such communications?

24 A In what -- in what capacity would they  
25 communicate with the federal government?

1 Q You have to answer the question.

2 MR. LEVY: Can you repeat the question, please?

3 (Record read as follows:

4 "Q Have you ever seen anybody who's  
5 representing Corinthian communicate with the federal  
6 government or have you ever observed such  
7 communications?")

8 MR. LEVY: I mean, that's confusing. Object.

9 MR. PHADKE: All right. I'll -- I'll restate.

10 Q Did you ever see or hear any communications  
11 between anyone representing Corinthian and someone at the  
12 federal government?

13 A At what capacity at the federal government? I --  
14 you know, it's not very clear, the question you're asking  
15 me. At the federal government? What do you mean?

16 Q It could be anybody at the federal government.  
17 So let me rephrase, get the full question out.

18 Did you ever see or hear any communications  
19 between anyone representing Corinthian and anybody at the  
20 federal government?

21 A Federal government is a -- one big entity, you  
22 know.

23 Q Do you need the question repeated?

24 A Yeah.

25 MR. LEVY: I thought he gave an answer. Go ahead.

1 (Record read as follows:

2 "Q It could be anybody at the federal  
3 government. So let me rephrase, get the full  
4 question out.

5 "Did you ever see or hear any communications  
6 between anyone representing Corinthian and anybody at  
7 the federal government?" )

8 MR. LEVY: And his response.

9 (Record read as follows:

10 "A Federal government is one big  
11 entity, you know." )

12 MR. PHADKE: Strike his response as nonresponsive.

13 MR. LEVY: I mean, I object to the argument with him.  
14 I think he's telling you the question is overbroad. Ask  
15 him another way.

16 MR. PHADKE: The question is perfectly clear.

17 THE WITNESS: At the federal government, that's too  
18 vague of a question for me to answer. Pinpoint it. What  
19 department in the federal government?

20 BY MR. PHADKE:

21 Q Have you ever seen any communications at all  
22 between anybody at Corinthian and anybody in any  
23 department of the federal government?

24 A Have I seen them do it, talk to somebody?

25 Q In any department of the federal government.

1 A Possibly. I'm not sure.

2 Q So you have no recollection of any  
3 communications --

4 MR. LEVY: Objection. He just said he's not sure; he  
5 didn't say he had no recollection.

6 THE WITNESS: I'm not sure.

7 BY MR. PHADKE:

8 Q And have you ever submitted any claim for payment  
9 to the federal government on behalf of Corinthian?

10 A Have I submitted any payment of -- or claim?  
11 What -- what was that?

12 MR. PHADKE: Could you repeat the question?

13 (Record read as follows:

14 "Q And have you ever submitted any claim for  
15 payment to the federal government on behalf of  
16 Corinthian?")

17 THE WITNESS: Your questions are, you know, kind of  
18 far-reached. I don't -- you know, I can't answer that.

19 BY MR. PHADKE:

20 Q Do you know that Corinthian makes claims for  
21 payment to the federal government?

22 A In their daily operations? I'm quite sure they  
23 must.

24 Q Have you ever submitted any claims --

25 A No, I haven't.

### **CERTIFICATE OF SERVICE**

I hereby certify that on January 6, 2014, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: January 6, 2014

/s/ Blanca F. Young

Blanca F. Young